

NCLT, KOCHI BENCH

Daily Orders – Draft

Date: 31st December 2021

Coram:

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

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

Orders pronounced. IA(IBC)/124/KOB/2021 IN IBA/24/KOB/2020 stands allowed vide separate Order. **Resolution Plan approved.**

2 CP(IB)/30/KOB/2021

Orders pronounced. **CP(IB)/30/KOB/2021 is admitted** vide separate Order. **IRP appointed.**

3 CP/114/KOB/2019

Orders pronounced. **CP/114/KOB/2019 stands disposed of** vide separate Order.

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

Disposed of.

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

Disposed of

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

Disposed of.

3 IA(C/ACT)/34/KOB/2021 IN CP/114/KOB/2019

Disposed of.

4 CP/119/KOB/2019

Orders pronounced. **CP/119/KOB/2019 stands disposed of** vide separate Order.

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

Disposed of.

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

Disposed of.

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

Disposed of.

5 CP/125/KOB/2019

Order pronounced. **CP/125/KOB/2019 stands disposed of vide separate Order.**

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

Disposed of.

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

Disposed of.

6 TCP/6/KOB/2019

Orders pronounced. **TCP/6/KOB/2019 is allowed** vide separate Order.

7 IA(IBC)/197/KOB/2021 IN CP(IB)/01/KOB/2021

This IA has been filed by the IRP seeking approval for the appointment of Shri Mohanan T.S., Insolvency Professional as the Authorised Representative to represent the class of creditors (home buyers). The IRP has also attached the report regarding the List of Creditors and constitution of the Committee of Creditors along with this IA.

Learned IRP Shri Dileep KP appeared in person through VC.

The IRP is directed to produce the individual consent letters of all the Home Buyers giving their consent to appoint Shri Mohan T.S., Insolvency Professional as their authorised representative in this CIR Process.

The IRP is also directed to file his reports separately in respect of the List of Creditors and constitution of Committee of Creditors in this case.

List on 07.01.2022.

8 IA(C/ACT)/63/KOB/2021 IN TCP/34/KOB/2019

This IA has been filed under Rule 11 of the NCLT Rules, 2016 by the applicant/R1 to advance the IA(C/ACT)/17/KOB/2021.

Learned counsel for the applicant Shri George G. Poothicote as well as learned counsel for R1 (petitioner) Shri Renjith Rajappan and learned counsel for R3 & R5 Shi Mohan Jacob George appeared through VC. None appeared for other respondents.

On perusal of the application as also on hearing the parties, we are of the considered opinion that this IA be allowed and the hearing of the IA/C/Act/17/KOB/2021 be preponed to an earlier date. IA is allowed and the hearing of IA(C/Act)17/KOB/2021 is preponed. **List IA/(C(Act)/17/KOB/2021 on 07.01.2022.**

9 REST.APPLN(C/ACT)/3/KOB/2021 IN CP/09/KOB/2021

This application has been filed under Rule 48 of the NCLT Rules, 2016 by the Applicants (Respondents 1 to 4 in the CP) seeking restoration of the CA/108/KOB/2021 in CP/09/KOB/2021.

Learned counsel for the applicant Shri Clint Li Johny appeared through VC. Ms. Anu B Nambiar appeared for the respondent No.1.

It appears from records that CA/108/KOB/2021 in CP/09/KOB/2021 was posted for hearing on 10.12.2021. When the matter was called on that day as Item No.5, neither the applicants nor their counsel appeared through VC and the matter was passed over. After calling all the matters in the cause list on that date, the matter was again called, but at that time also neither the applicants nor their counsel appeared through VC. Accordingly, the COMP.APPLN/108/KOB/2021 was dismissed on 10.12.2021 for non-prosecution.

The applicants submitted that their counsel Adv Clint Li Johny was fully prepared for the argument on 10.12.2021, however due to the internet network issues he was unable to appear through VC. According to the applicants, the non-representation occurred on 10.12.2021 was neither wilful on the part of the applicants nor on the part of their counsel.

Learned counsel for the R1 stated that she has no objection in allowing the Restoration Application.

On hearing the learned counsel for the applicant and R1, we are of the considered view that the prayer of the Applicants be allowed on the condition that the applicants pays the costs of Rs.3,000/- (Rupees three thousand only) to the accounts of "Ministry of Corporate Affairs" within one week from today and submit proof of payment before the next date of hearing.

Accordingly, **REST.APPLN(C/ACT)/3/KOB/2021 IN CP/09/KOB/2021** stands allowed. Company Application 108/KOB/2021 is restored

Registry is directed to list CA/108/KOB/2021 along with the CP/09/KOB/2021 on 27.01.2022 for hearing, if the payment of proof is produced by the applicants.

10 REPORT/122/KOB/2021 IN IBA/37/KOB/2020

This Report has been filed by the IRP in CIR Process against the Corporate Debtor Koyenco Autos Pvt Ltd regarding the constitution of Committee of Creditors.

Perused the Report. **Report is taken on record.** Registry is directed to place the report in the appropriate records.