

NCLT, KOCHI

Daily Orders – Draft

In the Bench of: Shri Ashok Kumar Borah, Member (Judicial)

Date: 10th August 2020

1 MA/77/KOB/2020 IN TIBA/24/KOB/2019 (CP/505/(IB)/CB/2017)

Learned Liquidator Shri Shankar P. Panicker appeared through VC. Order pronounced. MA/77/KOB/2020 is disposed of vide separate sheets.

2 IA/90/KOB/2020 IN IBA/49/KOB/2019

Learned counsel for the applicant in IA submitted an email stating his willingness to appear through VC. This IA is filed by one of the creditors of the Corporate Debtor seeking to set aside Annexure A1, A3 and A4 orders of the Resolution Professional and for declaring that R2 to R5 are related parties as envisaged by and within the meaning of section 5(24) and section 5(24A) of the IBC. Any order is to be passed only after hearing the RP. Counsel for the applicant has filed proof of service of the notice with IA to the respondents. Registry is directed to issue notice to Respondents through email in addition to normal procedure. Respondents are directed to file their reply to the IA within two weeks from today. List on 26.8.2020.

3 MA/78/KOB/2020 IN IN IBA/258/CHENNAI BENCH/2019

Learned Liquidator as well as his counsel Shri Akhil Suresh appeared in the VC. Heard the arguments made by Shri Akhil Suresh. **Orders in MA/78/KOB/2020 pronounced vide separate sheets.**

4 IA/40/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/CHENNAI BENCH/2019

Learned counsel for the applicant in IA Shri S.M.Ameerul Millath as well as learned Senior Counsel for the Respondents Shri Joseph Kodianthra appeared through VC and argued the matter. They have stated that they will file a brief written argument in the matter within two weeks. **Orders reserved. List for pronouncement of orders on 8.9.2020.**

5 MA/28/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/CHENNAI BENCH/2019

Learned counsel for the applicant in MA Ms. Latha K. as well as Learned counsel for the Liquidator Shri Akhil Suresh appeared through VC. This MA is filed for giving an order to the Liquidator to process the application of the petitioner also along with the other employees and a direction to the liquidator to adjudicate the claim of the employees and also to give the calculation details to the employees. Learned counsel for the Liquidator submitted that the Liquidator has already processed the claim of the applicant. The learned counsel for the applicant also submitted that the Liquidator has

processed the claim of the applicant. Both sides stated that the MA has become infructuous. In view of the submissions of both the parties, MA/28/KOB/2020 is disposed of as infructuous.

6 MA/31/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

Learned counsel for the applicant in MA Shri B.Ashok Shenoy appeared in the VC. He sought two weeks time to file the rejoinder. Meanwhile the learned counsel for the Liquidator Shri Akhil Suresh has appeared through VC and prayed time to submit the sur-joinder. Allowed. The applicant is directed to file his rejoinder within two weeks from today serving copy to the learned counsel for the Liquidator and the Liquidator is directed to file the sur-rejoinder within one week thereafter. List on 7.9.2020 for final hearing. It is expected that both the parties will co-operate for early disposal of this case.

7 MA/32/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

Learned counsel for the applicant in MA Shri B.Ashok Shenoy appeared in the VC. He sought two weeks time to file the rejoinder. Meanwhile the learned counsel for the Liquidator Shri Akhil Suresh has appeared through VC and prayed time to submit the sur-joinder. Allowed. The applicant is directed to file his rejoinder within two weeks from today serving copy to the learned counsel for the Liquidator and the Liquidator is directed to file the sur-rejoinder within one week thereafter. List on 7.9.2020 for final hearing. It is expected that both the parties will co-operate for early disposal of this case.

8 MA/33/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

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9 MA/34/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

Learned counsel for the applicant in MA Shri B.Ashok Shenoy appeared in the VC. He sought two weeks time to file the rejoinder. Meanwhile the learned counsel for the Liquidator Shri Akhil Suresh has appeared through VC and prayed time to submit the sur-joinder. Allowed. The applicant is directed to file his rejoinder within two weeks from today serving copy to the learned counsel for the Liquidator and the Liquidator is directed to file the sur-rejoinder within one week thereafter. List on 7.9.2020 for final hearing. It is expected that both the parties will co-operate for early disposal of this case.

10 MA/35/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

Learned counsel for the applicant in MA Shri B.Ashok Shenoy appeared in the VC. He sought two weeks time to file the rejoinder. Meanwhile the learned counsel for the Liquidator Shri Akhil Suresh has appeared through VC and prayed time to submit the sur-joinder. Allowed. The applicant is directed to file his rejoinder within two weeks from today serving copy to the learned counsel for the Liquidator and the Liquidator is directed to file the sur-rejoinder within one week thereafter. List on 7.9.2020 for final hearing. It is expected that both the parties will co-operate for early disposal of this case.

11 MA/36/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

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12 MA/37/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

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13 MA/38/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

Learned counsel for the applicant in MA Shri B.Ashok Shenoy appeared in the VC. He sought two weeks time to file the rejoinder. Meanwhile the learned counsel for the Liquidator Shri Akhil Suresh has appeared through VC and prayed time to submit the sur-joinder. Allowed. The applicant is directed to file his rejoinder within two weeks from today serving copy to the learned counsel for the Liquidator and the Liquidator is directed to file the sur-rejoinder within one week thereafter. List on 7.9.2020 for final hearing. It is expected that both the parties will co-operate for early disposal of this case.

14 MA/39/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

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15 MA/40/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

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16 MA/41/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

Learned counsel for the applicant in MA Shri B.Ashok Shenoy appeared in the VC. He sought two weeks time to file the rejoinder. Meanwhile the learned counsel for the Liquidator Shri Akhil Suresh has appeared through VC and prayed time to submit the sur-joinder. Allowed. The applicant is directed to file his rejoinder within two weeks from today serving copy to the learned counsel for the Liquidator and the Liquidator is directed to file the sur-rejoinder within one week thereafter. List on 7.9.2020 for final hearing. It is expected that both the parties will co-operate for early disposal of this case.

17 MA/42/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

Learned counsel for the applicant in MA Shri B.Ashok Shenoy appeared in the VC. He sought two weeks time to file the rejoinder. Meanwhile the learned counsel for the Liquidator Shri Akhil Suresh has appeared through VC and prayed time to submit the sur-joinder. Allowed. The applicant is directed to file his rejoinder within two weeks from today serving copy to the learned counsel for the Liquidator and the Liquidator is directed to file the sur-rejoinder within one week thereafter. List on 7.9.2020 for final hearing. It is expected that both the parties will co-operate for early disposal of this case.

18 MA/43/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

Learned counsel for the applicant in MA Shri B.Ashok Shenoy appeared in the VC. He sought two weeks time to file the rejoinder. Meanwhile the learned counsel for the Liquidator Shri Akhil Suresh has appeared through VC and prayed time to submit the sur-joinder. Allowed. The applicant is directed to file his rejoinder within two weeks from today serving copy to the learned counsel for the Liquidator and the Liquidator is directed to file the sur-rejoinder within one week thereafter. List on 7.9.2020 for final hearing. It is expected that both the parties will co-operate for early disposal of this case.

19 MA/44/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

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20 MA/45/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

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21 MA/46/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

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22 MA/47/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

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23 MA/48/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

Learned counsel for the applicant in MA Shri B.Ashok Shenoy appeared in the VC. He sought two weeks time to file the rejoinder. Meanwhile the learned counsel for the Liquidator Shri Akhil Suresh has appeared through VC and prayed time to submit the sur-joinder. Allowed. The applicant is directed to file his rejoinder within two weeks from today serving copy to the learned counsel for the Liquidator and the Liquidator is directed to file the sur-rejoinder within one week thereafter. List on 7.9.2020 for final hearing. It is expected that both the parties will co-operate for early disposal of this case.

24 **MA/49/KOB/2020 IN IBA/258/CHENNAI BENCH/2019**

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25 **MA/50/KOB/2020 IN IBA/258/CHENNAI BENCH/2019**

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26 **MA/51/KOB/2020 IN IBA/258/CHENNAI BENCH/2019**

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27 **MA/52/KOB/2020 IN IBA/258/CHENNAI BENCH/2019**

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29 MA/54/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

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30 MA/55/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

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31 MA/56/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

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32 MA/57/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

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33 MA/58/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

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34 MA/59/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

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35 MA/60/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

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36 MA/61/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

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37 MA/62/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

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38 MA/63/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

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39 MA/64/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

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42 MA/67/KOB/2020 IN IBA/258/CHENNAI BENCH/2019

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43 IBA/04(KOB)/2020 WITH IA/81/KOB/2020

Learned counsel for the Financial Creditor Shri V.A.Ajaikumar appeared through VC. The CD has already filed his counter. Learned counsel for the Corporate Debtor Shri P.V.George appeared in the VC and submitted that the application is barred by limitation. He quoted the NCLAT Order dated 20.2.2020 in CA/1382/2019 in the case of Goutham Sinha Vs. UB Asset Reconstruction Company and submitted that the copy of the said order shall be produced before this Tribunal today itself. Allowed. Heard both the parties. **Orders reserved in IA. List for pronouncement of orders in IA/81/KOB/2020 on 13.8.2020.**

44 IBA/13/KOB/2020

Learned Senior Counsel for the Financial Creditor Shri Aravind Pandian as well as learned counsel for the Corporate Debtor Shri P.V.George appeared through VC. Learned counsel for the Corporate Debtor submitted that the application is barred by limitation. He quoted the NCLAT Order dated 20.2.2020 in CA/1382/2019 in the case of Goutham Sinha Vs. UB Asset Reconstruction Company and submitted that the copy of the said order shall be produced before this Tribunal within a couple of days. Allowed. Heard both the parties. **Orders reserved. List for pronouncement of orders on 25.8.2020.**

45 TCP/21/KOB/2019

Learned counsel for the petitioner Shri A.C.Venugopal, Learned counsel for Serious Fraud Investigation Office Shri Girish Kumar, Learned counsel for the Administrator (R1) Shri Manuel Vivera and learned counsel for R3 to R6 Ms.C.G.Preetha appeared in the VC. Learned counsel for the Serious Fraud Investigation Office submitted that Government of India is under the process of constituting the team to investigate into the affairs of the Bhagyodhayam Company (R1). He submitted that at least two months period may require to complete the investigation against the R1 Company. He also indicated that the SFIO is situated at Chennai, where Covid 19 situation is

alarming, which may delay the Investigation process. Anyhow, list on 9.10.2020 before that date SFIO is directed to submit its Investigation Report in this case.

Learned counsel for the petitioner submitted that the Chartered Accountants have already started the auditing of the R1 Company. M/s. Babu A. Kallivayalil and Company, Chartered Accountants, PT Usha Road, Kochi 682 011 is directed to file their report before this Tribunal before the next date fixed positively. List on 9.10.2020

46 CA/44/KOB/19

Learned counsel for the appellant Shri A.C.Venugopal and learned counsel for the Administrator (R1) Shri Manuel Vivera appeared through VC. Learned counsel for Respondents 4, 6 to 9, 11, 13 and 18 Ms. C.G.Preetha appeared through VC and submitted that she has already filed the soft copy of the rectified counter with affidavit and also submitted that she shall file the hard copy today itself.

Meanwhile the petitioners are permitted to make necessary paper publications in two newspapers (one each in English and Malayalam), which have wide publication as prescribed under Rule 70 (2) of NCLT Rules 2016 and file proof of the same with an affidavit before this Tribunal before the next date fixed. List on 7.9.2020.