

NCLT, KOCHI**Daily Orders – Draft**

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

Date: 14th August 2020

1 CA/40/KOB/2020

Learned counsel for the appellant Shri Navod Prasannan appeared in the VC. He submitted that the appellant company is an on going concern. Report of the ROC is on record. Orders reserved. List for pronouncement of orders on 26.8.2020

2 CA/41/KOB/2020

Learned counsel for the appellant Shri Abid Millath appeared in the VC. He submitted that the appellant company is an ongoing concern. Report of the ROC is on record. Reserved for orders. List for pronouncement of orders on 19.8.2020, before that date the appellant is directed to file the upto date IT returns and audited balance sheets of the appellant company.

3 MA/70/KOB/2020 IN TIBA/11/KOB/2019

Learned Resolution Professional Shri Bijoy Prabhakaran Pulipra appeared in the VC. Government Pleader Shri Mohammad Fazil also appeared in the VC. The Respondent – Incident Commander and Sub Divisional Magistrate – filed a reply to the MA stating that the premises of the Corporate Debtor can be de-requisitioned when the functioning of the CFLTC in the premises is no longer required and the Covid 19 pandemic is made under control. The requisitioning of the building is for a temporary period during the surge of Covi-19 cases taking into account the public health and wellbeing of the building. He further stated that the functioning of the Covid Care Centre in the premises of the CD will not hinder the CIR Process in any manner.

Today the RP filed a requisition letter from the Tahsildar along with some other documents. Government Pleader stated that he has not received a copy of the same. RP is directed to submit the copy of the above documents to the GP within two days.

List on 27.8.2020 for hearing.

MA/72/KOB/2020

Learned RP Shri Bijoy Prabhakaran Pulipra appeared in the VC. This MA is connected with MA/70/KOB/2020. List on 27.8.2020 along with MA/70/KOB/2020.

4 TCP/120/KOB/19 (CP/41/2018)

Learned counsel for the petitioner Shri Philip Mathew appeared in the VC. Learned counsel for the respondent informed through phone that though he got the link, he could not attend the VC due to power failure in his office. Learned counsel for the petitioner submitted that the Valuer appointed by this Tribunal has already submitted the Valuation Report. According to the report of the Valuer CA Rajendran P.R., the fair value of the equity shares of Prime Habitat Pvt Ltd is Rs.1,024/- (Rupees one thousand twenty-four only). Shri Philip Mathew, the learned counsel for the petitioner submitted in the VC that the petitioner is ready to sell his shares to the respondents at the rate of Rs.2,500/- or buy the shares of the respondents at the rate of Rs.2,800/-, ie. Rs.300/- more than his proposed selling rate.

The petitioner may file IA on the basis of his above submissions with a copy served to the respondents within two weeks. The Respondents are directed to submit their written submissions on the proposal of the petitioner before the next date fixed. List on 11.9.2020.

5 CP/123/KOB/19

Learned counsel for the petitioner Shri Benny P. Thomas appeared in the VC. He stated that he wants to withdraw the CP with liberty. It is seen that an interim reply affidavit has been filed by R2 & R3. The petitioner may file his withdrawal memo within a week. List on 21.8.2020.

6 CP/05/KOB/2020

Learned counsel for the petitioner Shri Vijay V. Paul as well as learned counsel for R1 to R4 Shri E.M.Joseph appeared in the VC. R1 to R4 have already filed the counter. Learned counsel for the petitioner submitted that he requires the Interim relief sought under (c) of his CP to enable him to file the rejoinder. In the meantime, learned counsel for Respondents 1 to 4 stated that the Hon'ble High Court of Kerala has already ordered Arbitration Proceedings in the subject matter. As soon as the order of the Arbitrator is received, the amount will be paid equally among the petitioners and respondents. On the other hand, he raised no objection in granting the interim relief sought by the petitioner in para (c). Therefore, the respondents are directed to produce the account statements of the Bank accounts maintained by the 1st Respondent including but not limited to Kodak Mahindra Bank bearing A/c No.9712274921 Panampilly Nagar Branch and Axis Bank bearing A/c No. 02039444 Vyttila Branch, before this Tribunal with a copy served to the petitioner. List on 14.9.2020 for further hearing as part heard. The petitioner is directed to file the rejoinder within two weeks and the respondents 1 to 4 may file sur-rejoinder, if any, before the next date fixed.

7 CONTEMPT PETITION/06/KOB/2020 IN CP/16/KOB/2020

Learned counsel for the Contempt Petitioner is ready to hear the matter through VC. However, learned counsel for respondents submitted an email stating that he could not access the records of the case as their office was in containment zone till 7.8.2020 and the residence of the counsel has now fallen in containment zone. He has requested two weeks time to file an effective reply in the matter. List 11.9.2020 before that date reply affidavit be filed.

8 IA/91/KOB/2020 IN CP/16/KOB/2020

Learned counsel for the applicant in IA is ready to hear the matter through VC. Learned counsel for R2 is also ready to appear through VC. However, learned counsel for R1 submitted an email stating that he could not access the records of the case as their office was in containment zone till 7.8.2020 and the residence of the counsel has now fallen in containment zone. He has requested two weeks time to file an effective reply in the matter. List 11.9.2020 before that date reply affidavit be filed.

9 CP/16/KOB/2020

Learned counsel for the petitioner submitted an email stating that he could not access the records of the case as their office was in containment zone till 7.8.2020 and the residence of the counsel has now fallen in containment zone. He has requested an adjournment of two weeks. Learned counsel for R1 submitted an email informing his willingness to hear the matter through VC. No response from other respondents. List 11.9.2020. for hearing.

10 CP(CAA)/01/(KOB)/2020

Learned counsel for the petitioners Ms. Telma Raju appeared in the VC. On perusal of the records it appears that the petitioners have served the documents to the RD on 22.6.2020 as ordered by this Tribunal. The petitioners have also filed an affidavit to that effect. But the Regional Director, Ministry of Corporate Affairs, Chennai has not yet filed his report. Registry is directed to send a copy of this order to the Regional Director, MCA, Chennai through email in addition to normal procedure. List on 15.9.2020 for hearing, before that date RD is directed to submit his report.

11 CP(CAA)/02/(KOB)/2020

Learned counsel for the petitioners Ms. Telma Raju appeared in the VC. On perusal of the records it appears that the petitioners have served the documents to the RD on 22.6.2020. The petitioner have also filed an affidavit to that effect. But the Regional Director, Ministry of Corporate Affairs, Chennai has not yet filed his report. Registry is also directed to send a copy of this order to the rd through email in addition to normal procedure List on 15.9.202020 for hearing, before that date RD is directed to submit his report.

12 CA/36/KOB/2020

No response from the learned counsel for the appellant. On 28.7.2020 the appellant was directed to file the financial statements of the company for the FY 2018-19 along with the GST returns. However, till date the same has not been produced. List on 24.8.2020 before that date the appellant is directed to produce the aforesaid documents.