

NCLT, KOCHI**Daily Orders – Draft**

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

Date: 17th August 2020

1 IBA/29/KOB/2020

Learned counsel for the Operational Creditor appeared through VC. It appears from records that the total amount of debt alleged is Rs.1,43,33,008/-. I have thoroughly perused the application and documents appended. The applicant is directed to issue fresh notice to the Corporate Debtor through email in addition to Registered A/D. Registry is also directed to issue notice to the CD through email in addition to normal procedure. The applicant OC is directed to submit proof of service of notice to CD with an affidavit showing proper steps taken by the applicant in this case before the next date fixed. The Corporate Debtor is also directed to file counter, if any, before the next date fixed. List on 16.9.2020.

2 CP/20/KOB/2020

Learned PCS for the petitioner Shri P.K.Krishnamurthy appeared in the VC. He submitted that the petitioner has already formed a CSR Committee and further steps are under process. I have thoroughly perused the petition filed under Section 135 read with Section 134(3)(o) of the Companies Act, 2013 read with Rules 5, 6 and 8 of the Companies (Corporate Social Responsibility Policy) Rules, 2014. The Report of the ROC is on record. The learned PCS submitted that since ROC has already submitted his report, the petition may kindly be accepted by awarding a minimum fine. Heard. Reserved for orders. List for pronouncement of orders on 9.9.2020

3 MA/74/KOB/2020 IN TIBA10/KOB/2019 & TIBA/31/KOB/2019

Learned RP/Applicant in MA appeared in the VC. Heard the arguments of the RP. Orders pronounced vide separate sheets.

4 MA/75/KOB/2020 IN TIBA/31/KOB/2019 & TIBA/10/KOB/2019

Learned Resolution Professional in the MA and learned counsel for R1 appeared in the VC. Shri Akhil Suresh who appeared for R1 submitted that his client is at present in Kakkanad Jail and he wants to file a reply to the MA filed by the Resolution Professional and also wants to file an IA for issue of direction to produce

some documents by the Resolution Professional for which he prayed for orders from this Tribunal directing the Jail Authorities to get the documents signed by his client. The Jail Superintendent, Sub Jail, Kakkanad, Ernakulam is directed to allow Mr. Akhil Suresh, Advocate, 7th Cross Road, Panampilly Nagar, Kochi - 36 to obtain the signature of Mr. Unnikrishnan Nair Govinda Pillai (Suspended Director of Kerala Housing Finance Ltd) Mullasseril, Choorakode P.O., Chathannoopuzha, Erathu, Pathanamthitta, Kerala 691 551 for the limited purpose of filing the reply before this Tribunal in MA/75/KOB/2020 IN TIBA/31/KOB/2019 & TIBA/10/KOB/2019. Shri Akhil Suresh may file an IA before this Tribunal if he wants any direction to the RP from this Tribunal for producing the documents sought by him.

Meanwhile Smt. Manjulla Devi appeared in the VC and sought two weeks time to file Vakkalath and counter in the MA for R6. Heard. R1 and R6 are directed to file the counter in the MA before the next date fixed. List on 15.9.2020.

5 MA/76/KOB/2020 IN IBA/240/2019/CB

Learned counsel for the Liquidator/applicant in MA Shri A. Sathyanarayana appeared in the VC. Learned counsel for R1 Shri Manoj Ramaswamy appeared in the VC. Shri Shinu J Pillai who appeared for R2 in the VC submitted that due to some misunderstanding the counter filed in this MA by R2 was wrongly numbered as IA/63/KOB/2020. R2 is directed to rectify the mistake immediately. R1 stated that he will file the counter today itself. List on 11.9.2020

6 IA/63/KOB/2020 IN IBA/240/2019/CB

Learned counsel for the applicants/interveners in IA Shri S.Easwaran appeared in the VC. He submitted that he has already served copy of the MA to the Liquidator (R1 Company). The learned counsel for the liquidator Shri A.G.Sathyanarayana, who appeared in the VC confirmed the receipt of the application of the interveners and sought time to file reply. Heard both the parties. Learned counsel for the Liquidator may file counter in the IA before the next date fixed. List on 11.9.2020.

7 REPORT NO. 65/KOB/2020 IN IBA/240/CB/IB/2019

Learned counsel for the Liquidator Shri A.G.Sathyanarayana appeared in the VC. Report of the Liquidator is taken on record and registry is directed to place it at proper file.

8 REPORT NO. 58/KOB/2020 IN IBA/240/CB/IB/2019

Learned counsel for the Liquidator Shri A.G.Sathyanarayana appeared in the VC. Report of the Liquidator is taken on record and registry is directed to place it at proper file.

9 CP/09/KOB/2020

Learned counsel for the petitioner Shri Philip- Mathew appeared in the VC.

Learned counsel for the respondent Shri V.A.Surendran submitted an email stating that owing to the declaration of the location where the registered office of the company is situated as a containment zone by the District Health authorities and the declaration of lockdown of Kozhikode District on account of the rapid increase in the number of Covid 19 cases in the locality, the officials of the 1st respondent company is not in a position to move out the Kozhikode District. Hence, he sought an adjournment for 3 weeks. List on 18.9.2020 before that date R1 is directed to file the counter. R2 (ROC) is also directed to file the status report of the R1 Company before the next date fixed.

10 CP/12/KOB/2020

Learned counsel for the petitioners submitted an email stating willingness to appear through VC. Petitioners have not filed their rejoinder. However, the learned counsel for the petitioner submitted that they had filed a petition for impleading the auditor of the 1st Respondent. Registry stated that the said impleading petition has been received only today morning. No response from the respondents. The petitioners are directed to file their rejoinder before the next date fixed. List on 18.9.2020

11 IA/44/KOB/2020 IN CP/02/KOB/2020

Learned counsel for the respondent Shri Aravind Pandian and learned counsel for the applicant in IA Shri Ravichandran appeared in the VC. Shri Aravind Pandian argued and concluded. Shri Ravichandran requested time to argue the matter further on 21.8.2020 to which Shri Aravind Pandian has agreed. List on 21.8.2020 at 2.30 PM.