

NCLT, KOCHI

Daily Orders – Draft

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

Date: 18th August 2020

1 CA(CAA)/02/KOB/2020

Learned counsel for the Applicant Shri Mohan Pulickal appeared in the VC. Heard. **CA(CAA)/02/KOB/2020 is disposed of vide separate sheets.**

2 CA(CAA)/03/KOB/2020

Learned counsel for the Applicant Shri Mohan Pulickal appeared in the VC. Heard. **CA(CAA)/03/KOB/2020 is disposed of vide separate sheets.**

3 REPORT NO.80/KOB/2020 & MA/95/KOB/2020 IN TIBA/03/KOB/2019

Learned counsel for the Resolution Professional Shri Vinod PV appeared in the VC. Report No.80 of the RP is taken on record. MA/95/KOB/2020 is filed by the RP for extension of time in the CIR Process. Heard. Orders issued. **MA/95/KOB/2020 is disposed of vide separate sheets.**

4 IBA/24/KOB/2020

Learned counsel for the Operational Creditor (M/s. Abhees Nair Engineering Pvt Ltd) Shri Thomas Kuruvilla appeared in the VC. No response from the Corporate Debtor (M/s. Nambudiri sons Agro Foods India Pvt Ltd). Since the notices sent to the CD were returned stating “addressee not found”, this Tribunal vide order dated 23.6.2020 directed the Operational Creditor to send notice to the Corporate Debtor through email and also submit proof of receipt of such email by CD. The OC was also directed to issue paper publication in two largely circulated local dailies (one each in English and Malayalam) and submit proof of such publication. Based on the aforesaid order, the OC has filed an affidavit stating that notice was issued to the Corporate Debtor at its email address mdoffice@namboothiris.in on 23.7.2020 and again on 24.7.2020. But the said two emails have bounced back with the reason “because the domain *namboothiris.in* could not be found”. The OC has also made paper publication as ordered by this Tribunal and submitted the proof of publication in the News papers in Indian Express in English and Deepika in Malayalam. Even after the aforesaid publication, the Corporate Debtor has not appeared before this Tribunal or made any representation on behalf of them. Next date fixed on **5.10.2020** for hearing.

5 CONTEMPT PETITION (KOB)/01/2020 IN IA/74/KOB/2019 IN TCP/34/KOB/2019

Learned counsel for the Contempt Petitioner Smt Rema Smrithi submitted an email stating that the petitioners have just been served with copy of the reply filed by the Respondent Company and requires perusal for rejoinder to be filed. Learned Senior Counsel Shri Joseph Kodianthara, Learned PCSs Shri Zibi Jose and Shri Vivek Kumar submitted an email stating their willingness to argue the matter through VC for respondents. Adjourned to 22.9.2020.

6 CONTEMPT PETITION (KOB)/02/2020 IN IA/23/KOB/2019 IN TCP/34/KOB/2019

Learned counsel for the Contempt Petitioner Smt Rema Smrithi submitted an email stating that the petitioners have just been served with copy of the reply filed by the Respondent Company and requires perusal for rejoinder to be filed. Learned Senior Counsel Shri Joseph Kodianthara, Learned PCSs Shri Zibi Jose and Shri Vivek Kumar submitted an email stating their willingness to argue the matter through VC for respondents. Adjourned to 22.9.2020.

7 IA/50/KOB/2019 IN TCP/34/KOB/2019

Learned Senior Counsel for the Applicants in the IA Shri Joseph Kodianthara as well as Learned PCS for R2 Shri Zibi Jose have submitted email stating their willingness to argue the matter through VC. No response from other respondents in the IA. Adjourned to 22.9.2020

8 TCP/34/KOB/2019 WITH IA/66/KOB/2020 & IA/67/KOB/2020

Learned counsel for the Petitioner Smt Rema Smrithi submitted an email stating that the petitioners have just been served with copy of the reply filed by the Respondent Company and requires perusal for rejoinder to be filed. Learned Senior Counsel Shri Joseph Kodianthara, Learned PCSs Shri Zibi Jose and Shri Vivek Kumar have submitted email stating their willingness to argue the matter in the VC for respondents. Adjourned to 22.9.2020.

9 TCP/38/KOB/19 (TCP/794/2018)

No response from both the parties. Adjourned to 23.9.2020.

10 TCP/45/KOB/19

Learned counsel for the petitioner Shri Cyriac Tom appeared in the VC. He submitted that the area where the petitioner resides is in the containment zone under covid 19 and hence sought an adjournment. Meanwhile R7 has produced the Order of the Sub Court as well as Appellate Court. **List on 23.9.2020 for hearing. Please note that there shall be no further adjournment in this case.**

11 IA/43 /KOB/2019 , IA/44/KOB/2019 & IA 68/KOB/19 IN TCP/55/KOB/19

Learned counsel for the applicant in IAs Shri Santhosh Mathew submitted an email stating that his client has not been able to brief him on account of the restrictions imposed by the present Pandemic and hence sought for an adjournment. No response from the respondents. List on 24.9.2020.

12 TCP/55/KOB/19

Learned counsel for R4 Shri Santhosh Mathew submitted an email stating that his client has not been able to brief him on account of the restrictions imposed by the present Pandemic and hence sought for an adjournment. No response from the petitioner as well as other respondents. List on 24.9.2020.

13 TCP/68/KOB/19 (TCP/49/2016)

The Petitioner Shri Karthikeyan Kasiviswanathan has submitted an email stating that due to Covid 19 situation and lockdown procedures he is unable to travel and arrange for a counsel in Kochi in place of Shri Anil D. Nair, who relinquished the Vakalath. Hence, he sought for an adjournment for 4 weeks. Allowed. List on 25.9.2020.

14 IA/92/KOB/2020 IN CP/127/KOB/2020

None has appeared for the applicant in IA even though video link was given to the learned counsel. Shri Bijoy P. Pulipra appeared for R1 and R2 in the IA through VC. It appears that opposite parties have not filed any counter in the IA. On the other hand learned counsel for R4 & R5 submitted that they have not received copy of the IA. The applicant is directed to serve copy of the IA to the Learned counsel for R4 and R5 immediately. Respondents are directed to file their counter, if any, in the IA before the next date fixed. List on 25.9.2020

15 CP/127/KOB/19 WITH IA/79/KOB/2020

Learned counsel for the applicants Shri Bijoy P. Pulipra appeared in the VC. It appears that opposite parties have not filed any counter in the IA. Respondents are directed to file their counter within two weeks positively. List on 25.9.2020.

16 CA(CAA)/17/(KOB)/19

Learned counsel for the appellant Shri Pranoy Harilal submitted an email seeking an adjournment. Adjourned to 28.9.2020

17 CA(CAA)/18/(KOB)/19

Learned counsel for the appellant Shri Pranoy Harilal submitted an email seeking an adjournment. Adjourned to 28.9.2020