

NCLT, KOCHI

Daily Orders – Draft

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

Date: 19th August 2020

1 CA/41/KOB/2020

Learned counsel for the Appellant Shri Abid Millath appeared in the VC. Order pronounced. **CA/41/KOB/2020 is disposed of vide separate sheets.**

2 IBA/27/KOB/2020

Learned counsel for the Operational Creditor Shri Rony Jose appeared in the VC. I have heard and perused the records. It appears from records that this is a case filed by the Operational Creditor against the Corporate Debtor for realization of an amount of Rs.21,25,382/-. The cause of action took place prior to 25.3.2020. The Demand Notice was issued by the OC to the CD on 4.2.2020. The OC is directed to issue fresh notice to the Corporate Debtor through email and Registered Post with A/D and submit proof of service before this Tribunal with an affidavit before the next date fixed. Registry is also directed to issue notice to the Corporate Debtor through email in addition to normal procedure. Corporate Debtor is directed to file counter within two weeks from the date of receipt of notice. The OC is also directed to file their rejoinder, if any, against the counter of the CD before the next date fixed. List on **5.10.2020** for hearing.

3 IBA/28/KOB/2020

Learned counsel for the Operational Creditor Shri Nidhi Sam John appeared in the VC. I have heard and perused the records. It appears from records that this is a case filed by the Operational Creditor against the Corporate Debtor for realization of an amount of Rs.5,24,113/-. The cause of action took place prior to 25.3.2020. The Demand Notice was issued by the OC to the CD on 8.1.2020. The OC is directed to issue fresh notice to the Corporate Debtor through email and Registered post with A/D and submit proof of service with an affidavit before this Tribunal before the next date fixed. Registry is also directed to issue notice to the Corporate Debtor through email in addition to normal procedure. Corporate Debtor is directed to file counter within two weeks from the date of receipt of notice. The OC is also directed to file their rejoinder, if any, against the counter of the CD before the next date fixed. List on **5.10.2020** for hearing.

4 CP/19/KOB/2020

Learned counsel for the Petitioner Shri Santhosh Mathew Mathew as well as Learned counsel for R2 and R3 Shri B.K.Gopalakrishnan appeared in the VC. It appears from records that notice was duly served to R1 and R4. But none has appeared for R1 & R4. Vide order dated 29.7.2020 this Tribunal had directed the learned counsel for R2 and R3 to rectify the defect in the Vakkalath filed by him. It appears from records that the said defect has not yet been rectified. It is noted that Court fee for Rs.1/- was only pasted in the Vakkalath instead of Rs.10/-. Learned counsel for R2 & R3 submitted in the VC that he will rectify the defect today itself. Pleadings are complete. List on 27.8.2020 along with CP/117/KOB/2019 for final hearing.

5 CP/117/KOB/19 WITH IA/97/KOB/2020 & IA/98/KOB/2020

Learned counsel for the Petitioner Shri B.K.Gopalakrishnan as well as Learned counsel for R2, R4 & R5 Shri Santhosh Mathew appeared in the VC.

IA/98/KOB/2020 is filed by the petitioner with the prayer to accept the additional documents in the Company Petition. The learned counsel for R2, R4 & R5 raised no objection in accepting the said additional documents. Hence **IA/98/KOB/2020 is allowed and the documents are taken on record.**

With regard to IA/97/KOB/2020 learned counsel for the applicant Shri Gopalakrishnan initially submitted that he is not pursuing the IA if the Main CP is heard at an early date. However, upon hearing the arguments of the opposite party, he insisted interim orders on his IA. Accordingly, it is decided to post the IA/97 as well as the Main CP on 27.8.2020 for final hearing, before that date Respondents may file reply to the IA and both the parties are directed to file synopsis of their arguments in the case. List on 27.8.2020 for final hearing.

6 MA/22/KOB/2020 IN TIBA/14/KOB/2019

Learned Sr.Counsel for the applicant Shri Joseph Kodianthara submitted an email seeking an adjournment. Learned Resolution Professional Shri Sasitharan Ramaswamy submitted an email stating willingness to argue the matter through VC. Adjourned to 29.9.2020.

7 IBA/17/KOB/2020

Learned counsel for the Operational Creditor Shri Sudha Satwa Roy appeared in the VC. Learned counsel for the Corporate Debtor also appeared in the VC. The OC submitted that they have already filed the rejoinder through email. The OC is directed to file the hard copy of the Rejoinder through speed post. The Corporate Debtor is also directed to file sur-rejoinder, if any, before the next date fixed. List on 7.9.2020 for final hearing.

8 IBA/18/KOB/2020

Learned counsel for the Operational Creditor Shri A. Kevin Thomas as well as learned counsel for the Corporate Debtor Shri R. Shanes Methar appeared through VC. List on 25.8.2020 for final hearing, before that date both the Counsel are directed to file their written arguments in this case. Please bear in mind that there shall be no adjournment in this case.

9 TCP/6/KOB/ 2019

Learned counsel for the petitioner Smt. Manjula Devi submitted an email stating willingness to argue the matter through VC. Since no response from the respondents and due to paucity of time, adjourned to 29.9.2020

10 TCP/81/KOB/19

Learned counsel for the petitioner Shri Philip Mathew submitted an email stating his willingness to appear through VC. Since no response from the respondents and due to paucity of time, adjourned to 30.9.2020

11 TCA/29/KOB/19

Learned counsel for R2 & R3 Shri Philip Mathew submitted an email stating his willingness to appear through VC. No response from the Applicants. Due to paucity of time, adjourned to 30.9.2020.

12 CP/92/KOB/19

No response from the counsel for the petitioner. Learned counsel for Respondents sought an adjournment. List on 30.9.2020.

13 CP/17/KOB/2020

The following counsel appeared in the VC:

Shri Philip Mathew, Advocate	- for petitioners
Shri Abhilash Nediyaalil Abraham, PCS	- for R6
Shri Mohammed Fazil, Govt Pleader	- for R8
Shri Shinu J. Pillai, Advocate	- for R4

Learned counsel for the petitioner submitted that Writ Petition filed by R1 before the Hon'ble High Court of Kerala is posted today for hearing and it is expected that the matter may be disposed of by the Hon'ble High Court today itself. Hence, he sought an adjournment. List on 17.9.2020.