

NCLT, KOCHI**Daily Orders – Draft**

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

Date: 20th August 2020

1 IA/68/KOB/2020 IN CP/96/KOB/2019

Learned PCS for the Applicants Shri P.P.Zibi Jose and Learned PCS for respondents Shri Abhilash Nedyalil Abraham appeared in the VC. Orders pronounced. **IA is disposed of vide separate sheets.**

2 IA/69/KOB/2020 IN CP/97/KOB/2019

Learned PCS for the Applicants Shri P.P.Zibi Jose and Learned PCS for respondents Shri Abhilash Nedyalil Abraham appeared in the VC. Orders pronounced. **IA is disposed of vide separate sheets.**

3 IA/70/KOB/2020 IN CA/37/KOB/2019

Learned PCS for the Applicants Shri P.P.Zibi Jose and Learned PCS for respondents Shri Abhilash Nedyalil Abraham appeared in the VC. Orders pronounced. **IA is disposed of vide separate sheets.**

4 IA/71/KOB/2020 IN CP/95/KOB/2019

Learned PCS for the Applicants Shri P.P.Zibi Jose and Learned PCS for respondents Shri Abhilash Nedyalil Abraham appeared in the VC. Orders pronounced. **IA is disposed of vide separate sheets.**

5 IA/72/KOB/2020 IN CP/94/KOB/2019

Learned PCS for the Applicants Shri P.P.Zibi Jose and Learned PCS for respondents Shri Abhilash Nedyalil Abraham appeared in the VC. Orders pronounced. **IA is disposed of vide separate sheets.**

6 IA/73/KOB/2020 IN CA/35/KOB/2019

Learned PCS for the Applicants Shri P.P.Zibi Jose and Learned PCS for respondents Shri Abhilash Nediyaalil Abraham appeared in the VC. Orders pronounced. **IA is disposed of vide separate sheets.**

7 IA/74/KOB/2020 IN CA/34/KOB/2019

Learned PCS for the Applicants Shri P.P.Zibi Jose and Learned PCS for respondents Shri Abhilash Nediyaalil Abraham appeared in the VC. Orders pronounced. **IA is disposed of vide separate sheets.**

8 IA/75/KOB/2020 IN CP/93/KOB/2019

Learned PCS for the Applicants Shri P.P.Zibi Jose and Learned PCS for respondents Shri Abhilash Nediyaalil Abraham appeared in the VC. Orders pronounced. **IA is disposed of vide separate sheets.**

9 CP/21/KOB/2020 WITH CAVEAT NO./07/KOB/2020

Learned PCS for the Petitioners Shri Bijoy P. Pulipra appeared in the VC. Learned Counsel for the Caveat Petitioner (R6) Shri V.Ajakumar, who submitted an email stating that he represents R2 to R10, also appeared in the VC. Learned PCS for the petitioner submitted in the VC that in view of the serious situation explained in the Company Petition, interim reliefs may be granted at least for the interim prayers (d), (e) and (f).

On the other hand, learned counsel for R2 to R10 submitted that the Company Petition itself is not maintainable with regard to the insufficient stamp paper in the Power of Attorney, besides the execution of the Power of Attorney outside India. Learned counsel for respondents sought time to file reply to the interim reliefs sought by the Petitioners.

After hearing both sides and perusing the case records, the respondents are directed to maintain status quo in regard to the share capital of R1, R6, R7, R8, R9 and R10 as of today till the next date of posting. Petitioners are directed to issue notice to R1, R11 to 22 and file proof of service with an affidavit before the next date fixed. Registry is also directed to issue notice to R1, R11 to 22 through email in addition to normal procedure. **List on 21.9.2020**, before that date the respondents are directed file their counter in the CP. In view of the appearance and hearing of the Caveator, the **Caveat No.07/KOB/2020 is disposed of.**

10 IA//80/KOB/2019 IN IBA/46/KOB/2019

Learned counsel for the applicant in IA sought an adjournment through email stating that his client could not provide instructions on account of Covid 19. No response from the respondents. Adjourned to 21.9.2020.

11 IBA/46/KOB/2019

No response from the learned counsel for the FC. However, learned counsel for CD sought an adjournment through email. List on 21.9.2020.

12 TCP/8/KOB/2019 WITH TIA/102/KOB/2020 & TIA/103/KOB/2020

Learned counsel for the petitioner sought an adjournment through email specifically to post the matter on 11.9.2020. Learned counsel for the respondents stated that he has no objection to adjourn the matter to that date. Hence adjourned to 11.9.2020.

13 TCP/11/KOB/ 19

Learned counsel for the respondents sought an adjournment through email specifically to post the matter on 11.9.2020. Learned counsel for the petitioners stated that he has no objection to adjourn the matter to that date. Hence adjourned to 11.9.2020.

14 IA/99/KOB/2020 IN IA/66/KOB/2019 IN TCP/22/KOB/2019

Learned counsel for the applicant in IA Shri Rakhi Gogoi appeared through VC. Learned counsel for the petitioner in TCP Shri Ajith Prakash and learned counsel for the Chairman appointed by this Tribunal Shri Manuel Vivera also appeared through VC. Learned counsel for applicants stated that he has received the copy of the statement submitted by the NCLT appointed Chairman only on 19.8.2020 and sought time to file some material evidence in this case. Two weeks time is granted. List on 24.9.2020.

15 IA/100/KOB/2020 IN TCP/22/KOB/2019

Learned counsel for the applicant in IA Shri Sivasankar R. Panicker, Learned counsel for the petitioners in CP Shri Ajith Prakash, learned counsel for R3 to R5 and R7 Shri Anil D. Nair, learned counsel for R9, R10, R12, R14, R15, R17 and R18

Shri Sabu John also appeared in the VC. Respondents are given time to file reply to IA within two weeks. List on 24.9.2020.

16 TCP/22/KOB/2019

Learned counsel for the petitioner Shri Ajith Prakash submitted that the AGM has not been conducted for the last 3 years. Learned counsel for R2, R3, R4 & R6 submitted that only two prayers are remaining for consideration. Learned counsel for R1, R10 & R11 Shri Sivasankar R. Panicker and learned counsel for R8, R12, R14, R15, R17 and R18 Shri Sabu John also appeared through VC. List on 24.9.2020 for hearing along with IA/100 and IA/99.

17 CP/11/KOB/2020

Learned counsel for the petitioner Shri Philip Mathew submitted over phone to adjourn the hearing. It appears from records that vide order dated 24.6.2020 this Tribunal directed the petitioner to send notice through email and submit proof of such email. The petitioner was also directed to issue paper publication in two newspapers and submit proof of such publications. Accordingly, the learned counsel for the petitioner has filed an affidavit attaching the copies of the said publication in Hindu daily in English and Deshabhimani daily in Malayalam dated 5.8.2020. It appears from records that the learned counsel for the petitioner filed a memo dated 3.6.2020 in which it is stated that the notice to R1 company has been duly served. But none has appeared for R1 also. None has appeared for R2 & R3. List on 14.9.2020.

18 CA/31/KOB/2020

Learned counsel for the Appellant Shri Cyriac Tom submitted an email seeking adjournment as both the counsels are engaged in the Hon'ble High Court. The documents sought by this Tribunal vide order dated 20.7.2020 has not yet been produced by the Appellant. Appellants is directed to produce the said documents before the next date fixed. List on 21.9.2020.

19 CA/34/KOB/2020

Learned counsel for the Appellant Shri Cyriac Tom submitted an email seeking adjournment as both the counsels are engaged in the Hon'ble High Court. The documents sought by this Tribunal vide order dated 20.7.2020 has not yet been produced by the Appellant. Appellants is directed to produce the said documents before the next date fixed. List on 21.9.2020.

