

NCLT, KOCHI

Daily Orders – Draft

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

Date: 21st August 2020

1 TCP/46/KOB/19 WITH TIA/05/KOB/2019 & IA/55/KOB/2020

Learned counsel for the petitioner Shri Pradeep Joy appeared in the VC. None has appeared for the respondents. It appears from records that this Company Petition was filed at NCLT Chennai in January 2018. Pleadings were completed long back. Meanwhile the petitioner submitted the IA/55/KOB/2020 on 28.2.2020 to amend some matters in the CP and to implead certain persons as respondents. It appears from records that in the past hearings, ie. on 2.6.2020, 16.6.2020 and 17.7.2020 none has appeared for the respondents. When this IA/55 was taken up for hearing on 10.3.2020 the learned counsel for R1 to R4 Shri Joseph George made strong objections in the IA. However, on that day, after hearing both sides it was ordered to maintain status quo in the shareholding pattern of the Respondent Company until further orders. But the respondents have not filed any objection to the IA till date. Respondents are therefore directed to file their objection before the next date fixed.

Meanwhile the learned counsel for the petitioner submitted that he is not insisting orders in TIA/05/KOB/2019. Therefore TIA/05/KOB/2019 is disposed of as not pressed.

List IA/55/KOB2020 in TCP/46/KOB/2019 on 16.9.2020 for hearing.

2 TCP/50/KOB/2019 WITH REPORT NO.78/KOB/2020 IN IA/56/KOB/2019

Learned counsel for the Petitioners Shri Ramalingam as well as learned Counsel for R1 & R2 Smt. Sindhu Santhalingam and Shri A.D.Shajan appeared in the VC. Vide order dated 2.7.2020 this Tribunal had directed the petitioner to send notices to R3 to R5 through speed post with acknowledgement card and also through email and submit proof of service with an affidavit. But nothing has been filed by the petitioner till date. As per our direction in IA/56/KOB/2019, the Registered Valuer Shri S.Sivakumar has filed the Valuation Report on 17.7.2020. I have perused the Valuation Report. The Valuation Report is taken on record and registry is directed to place the report in the appropriate file. **Parties who desire to have the said Valuation Report may obtain the Report from this Registry by submitting application in the proper manner. List on 26.8.2020**, before that date petitioner is directed to file proof of service of notice to R3 to R5 with an affidavit.

3 IA/80/KOB/2020 IN TCP/116/KOB/19

Learned counsel for the applicants in IA Smt. Sindhu Santhalingam appeared in the VC. Learned counsel for Respondent in IA Shri Ramalingam also appeared in the VC. He opposed the reliefs sought in the IA and stated that the counter is ready for filing. Respondent in the IA is directed to file his counter before the next date fixed. **Please bear in mind that there shall be no further adjournment in this matter.** List on 26.8.2020.

4 TCP/116/KOB/19

Both the parties appeared in the VC and agreed to hear the case along with the IA. List on 26.8.2020 along with IA/80/KOB/2020.

5 TCP/89/KOB/2019 (CP/03/2009)

Learned counsel for the petitioner Smt. Priyadarshini Vincent sought an adjournment through email. Learned counsel for R2 submitted an email stating willingness to hear the matter through VC. No response from R6 to R8. List on 29.9.2020.

6 CP/121/KOB/19

Learned counsel for the Petitioner Shri Sunil N. appeared in the VC. None has appeared for the respondents. It appears from records that on 22.5.2020, 5.6.2020 and on 26.7.2020 also none has appeared for the respondents. The Company Petition is having only one respondent ie. Joshsure Foods Pvt Ltd. At the time of hearing on 7.2.2020, the learned counsel for the petitioner sought time to implead the Managing Director and Director of R1 Company as parties to the CP. But the petitioner has not filed any impleading petition till date. The petitioner may file impleading petition, if any, within three weeks. **In default of filing such impleading petition, orders will be passed according to the procedure of law.** List on 6.10.2020.

7 CP/123/KOB/19

None has appeared for the petitioner. Learned counsel for R2 & R3 Shri Shajan C. George appeared in the VC. On perusal of the records it appears that on 20.5.2020, 10.6.2020 and on 18.7.2020 also none has appeared for the petitioner. R2 & R3 filed interim reply on 31.1.2020. Next date fixed for hearing. **The petitioner is directed to appear through VC in the next date fixed positively. In default,**

orders will be passed according to the procedure of law. Registry is directed to issue notice to the petitioner along with a copy of this order. List on 22.9.2020.

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

Learned PCS for the applicant Shri Ravichandran and the learned senior counsel for the respondent in the IA Shri Aravind Pandian appeared through VC. Heard the arguments of both the parties. Arguments concluded. Learned counsel for the applicant in IA stated that he will file the written arguments within a week. Learned counsel for respondents in IA stated that he has already filed the written arguments. Registry to verify and place it on record. **Orders reserved. List for pronouncement of orders in IA/44/KOB/2020 on 15.9.2020**

9 CP/3(KOB)/2020

Learned counsel for the petitioner Shri John Vassery as well as learned counsel for R1 & R3 Shri N.R.Krishnan Unni appeared in the VC. Even though link was provided, learned counsel for R2 has not appeared in the VC. All the counsel are directed to file their argument note within two weeks. List on 17.9.2020 for final hearing.

10 TCAA/4&5/KOB/19

This TCAA is posted for the Report of the ROC. Vide memo dated 20.8.2020 ROC has submitted that Regional Director, being the competent authority, vide email dated 19.8.2020 has stated that one Joint Director of the Directorate has been found positive for Covid 19 and under quarantine and one Assistant Director who is dealing with Amalgamation matters is also not well and on medical leave. Hence, ROC sought an adjournment for 2 weeks to file the report in the matter. List on 18.9.2020.