

NCLT, KOCHI

Daily Orders – Draft

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

Date: 26th August 2020

1 CA/40/KOB/2020

Learned counsel for the appellant Shri Navod Prasannan appeared in the VC. Orders pronounced. **CA/40/KOB/2020 is disposed of vide separate order.**

2 REPORT NO.81/KOB/2020 IN IBA/49/KOB/2019

Learned RP as well as his learned counsel Shri Vinod P.V. appeared in the VC. Report of the Resolution Professional is taken on record. Registry is directed to place the report in the appropriate file.

3 IA/90/KOB/2020 IN IBA/49/KOB/2019

Learned counsel for the applicant in IA Shri Mohan Pulickkal as well as learned counsel for the Resolution Professional Shri Vinod appeared in the VC. The RP has already filed his counter to the IA. Registry reported that notice has been served to all the respondents. Learned counsel for R2 to R5 submitted an email stating that his clients are held up in USA and hence sought one months time for filing the counter to the IA. Shri Mohan Pulickkal submitted that he has already sent notice to the counsel of R2 to R5 Advocate Shri Abraham Mathew, who informed him that counter will be filed within a month. According to the learned counsel for the Respondent, the CoC meeting was held on 21st August 2020. Anyhow, respondents are directed to file their reply to the IA within 3 weeks positively. Next date fixed for hearing. List on 16.9.2020.

4 MA/97/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

Learned Liquidator as well as his learned counsel Shri Akhil Suresh appeared in the VC. Learned counsel for the applicant in MA Shri Shivsankar R. Panicker also appeared in the VC. He specifically sought interim orders on interim reliefs prayed for in para (c) of the Interim reliefs sought, such as to provide the applicant (i) Pleadings of the 1st Respondent/Corporate Debtor; (ii) Reports/Filings collaged; (iii) detailed calculations of applicant's admitted and non-admitted claims; (iv) Books of accounts; (iv) minutes of the meetings with the Committee of Creditors and (vi) Legal opinion stating the Lockout of the Company to be proper and legal. On the other hand, learned Liquidator submitted that since the documents sought are voluminous one, it is difficult to supply the details to all persons. Learned counsel for the applicant submitted that his client shall bear the cost for providing those document

copies. According to the Liquidator, if any person requires any details pertaining to that particular person, Liquidator can provide the details of that particular person, easily. Heard the arguments of both the parties. The applicant is directed to submit proper application to the Liquidator and the Liquidator is directed to provide the details to the applicant made in Para (c) of the interim relief sought in the MA. Shri Shivasankar Panicker has also prayed for interim orders on relief sought under para (e) of the interim prayers. The Learned Liquidator submitted that reply to para (e) as well as all other prayers mentioned in the MA shall be filed within a week. Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020

5 MA/98/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

Learned Liquidator as well as his learned counsel Shri Akhil Suresh appeared in the VC. Learned counsel for the applicant in MA Shri Shivsankar R. Panicker also appeared in the VC. He specifically sought interim orders on interim reliefs prayed for in para (c) of the Interim reliefs sought, such as to provide the applicant (i) Pleadings of the 1st Respondent/Corporate Debtor; (ii) Reports/Filings collaged; (iii) detailed calculations of applicant's admitted and non-admitted claims; (iv) Books of accounts; (iv) minutes of the meetings with the Committee of Creditors and (vi) Legal opinion stating the Lockout of the Company to be proper and legal. On the other hand, learned Liquidator submitted that since the documents sought are voluminous one, it is difficult to supply the details to all persons. Learned counsel for the applicant submitted that his client shall bear the cost for providing those document copies. According to the Liquidator, if any person requires any details pertaining to that particular person, Liquidator can provide the details of that particular person, easily. Heard the arguments of both the parties. The applicant is directed to submit proper application to the Liquidator and the Liquidator is directed to provide the details to the applicant made in Para (c) of the interim relief sought in the MA. Shri Shivasankar Panicker has also prayed for interim orders on relief sought under para (e) of the interim prayers. The Learned Liquidator submitted that reply to para (e) as well as all other prayers mentioned in the MA shall be filed within a week. Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020

6 MA/79/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

7 MA/80/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

8 MA/81/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

9 MA/82/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

10 MA/83/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

11 MA/84/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

12 MA/85/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

13 MA/86/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

14 MA/87/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

15 MA/88/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

16 MA/89/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

17 MA/90/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

18 MA/91/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

19 MA/92/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

20 MA/93/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

21 MA/94/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

22 MA/101/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

23 MA/102/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

24 MA/103/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

25 MA/104/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

26 MA/105/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

27 MA/106/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

28 MA/107KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

29 MA/108/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

30 MA/112/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB

None has appeared for the applicants in MA. This MA is filed under Section 42 of the IBC, 2016. Learned counsel for the Respondent (Liquidator) Shri Akhil Suresh submitted that he has already prepared the reply to the MA, but unable to get the signature of the Liquidator, who is stationed at Mumbai and hence sought one weeks time to file the reply. The Liquidator is directed to file his reply to the MA before the next date fixed. List on 7.9.2020.

31 IBA/22/KOB/2020

Vide order dated 28.7.2020 the OC was directed to furnish the correct address of the CD if he wants to proceed the case against the CD and also to issue notice to the CD in the correct address and submit proof of service along with an affidavit with a direction to the Registry to send a copy of that order to the OC. Registry reported that copy of the order dated 28.7.2020 has been served to the OC on 4.8.2020. But no response from the petitioner or his counsel to day also. In the interest of justice a final opportunity is granted to the OC to submit the correct address, otherwise law will take its own course. List on 1.10.2020.

32 IBA/23/KOB/2020

Vide order dated 28.7.2020 the OC was directed to furnish the correct address of the CD if he wants to proceed the case against the CD and also to issue notice to the CD in the correct address and submit proof of service along with an affidavit with a direction to the Registry to send a copy of that order to the OC. Registry reported that copy of the order dated 28.7.2020 has been served to the OC on 4.8.2020. But no response from the petitioner or his counsel to day also. In the interest of justice a final opportunity is granted to the OC to submit the correct address, otherwise law will take its own course. List on 1.10.2020.

33 **TCP/50/KOB/2019**

Learned counsel for the petitioner Shri Ramalingam as well as learned counsel for R1 & R2 Smt. Sindhu Santhalingam appeared in the VC. Learned counsel for the petitioner Shri Ramalingam submitted that he has not taken steps to issue notice to R3 to R5 because the respondents are residing in UK and he could not find the mail ID of them. However, he submitted that he will make arrangements to service notice to R3 to R5 and file proof of service of notice with an affidavit before the next fixed. Next date fixed on 12.10.2020 for hearing.

34 **IA/80/KOB/2020 IN TCP/116/KOB/19**

Learned counsel for the applicant Smt. Sindhu Santhalingam as well as learned counsel for the respondent Shri Ramalingam appeared in the VC. Shri Ramalingam submitted that he has already submitted the soft copy of the reply to the IA through email. Heard both the parties. Orders reserved. List for pronouncement of orders in IA/80/KOB/2020 on 22.9.2020.

35 **TCP/116/KOB/19**

Learned counsel for the petitioner Shri A.D.Shajan appeared in the VC. Learned counsel for the respondents also appeared in the VC. List on 12.10.2020 for hearing.

36 **CP/107/(KOB)/19 WITH IA/21(KOB)/2020 & IA/22(KOB)/2020**

Learned counsel for the petitioner sought an adjournment through email. Registry reported that the proof of service to R3, R4, R6 to R11 has not yet been produced by the petitioner. The petitioner is directed to produce the proof of service with an affidavit before the next date fixed. List on 15.10.2020

37 **CP/115/KOB/2019**

Learned counsel for the petitioner Shri E.Narayanan sought an adjournment through email. No settlement memo has been filed by the parties. In the meantime, the learned counsel for R1 Shri PM Unni Namboodiri informed the registry of this Tribunal that he has relinquished the Vakalat of R1. No response from R1 today. Registry is directed to issue notice to R1 with a copy of this order. List on 15.10.2020.

38 **CP/128/KOB/19**

Learned counsel for both the parties intimated their willingness to appear through VC. However, due to paucity of time to hear the matter today, **adjourned to 1.10.2020 as item No.1 in the Cause list.**

39 **CP/04/KOB/2020 WITH IA/96/KOB/2020**

Learned counsel for the petitioner and respondents R4 & R5 informed their willingness to appear through VC. No request received from learned counsel for R1 to R3. However, due to paucity of time to hear the matter today, **adjourned to 12.10.2020 as item No.1 in the cause list.**