

NCLT, KOCHI**Daily Orders – Draft**

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

Date: 27th August 2020

1 CA/39/KOB/2020

Learned counsel for the Appellant Smt. Lakshmi Krishnadas appeared in the VC. Orders pronounced. CA is disposed of vide separate sheets.

2 CA/37/KOB/2020

None has appeared for the Appellant. Orders pronounced. CA is disposed of vide separate sheets.

3 CP(CAA)/03/KOB/2020

Learned PCS for the petitioner Shri A.Narayanan appeared in the VC. He submitted that CA(CAA)/01/KOB/2020 has been posted on 8.9.2020 and hence requested to post this CP also on that date. Allowed. List on 8.9.2020.

4 CA(CAA)/04/KOB/2020

Learned PCS for the applicants Shri P.P.Zibi Jose appeared in the VC. In the Company Application, the applicants have prayed to dispense with the meeting of the shareholders stating that the companies are fully family owned companies and all the shareholders have given their consent to the proposed scheme of Merger.

It appears from Page Nos 242 to 255 of the application that the consent letters of different shareholders have not been filed by way of notarised affidavit. Shri Zibi Jose submitted that he will file the consent letters of the shareholders by way of notarised affidavit. List on 29.9.2020 before that date the learned PCS is directed to file the required documents.

5 MA/70/KOB/2020 & MA/72/KOB/2020 IN TIBA/11/KOB/2019

Learned RP Shri Bijoy P. Pulipra appeared in the VC. Learned Government Pleader Shri Mohammed Fazil also appeared in the VC. Heard both sides. **MA/70/KOB/2020 and MA/72/KOB/2020 are disposed of vide separate orders.**

6 IBA/04(KOB)/2020

Though link was given to the learned counsel for the Financial Creditor Shri V.A.Ajaikumar, he informed through phone that he could not connect the link due to some technical problem. Learned counsel for the Corporate Debtor Shri P.V.George appeared in the VC and submitted that he has already filed the additional counter consequent to the substitution of the name of the FC Bank. He sought for a short adjournment to enable him to file the financial statements of the Company for the last three years as ordered by this Tribunal on 27.2.2020. He submitted that he has already informed his request for adjournment to the learned counsel for the FC also. Next date fixed for hearing. Before that both the learned counsel are directed to submit their written synopsis of arguments. CD is also directed to file the Financial statements of the Company before the next date fixed. **List on 14.9.2020.**

**7 TIA/108/KOB/2020 IN TCP/13/KOB/2019
(CA/615/2006 IN CA/405/2003 IN CP/43/2003)**

None has appeared for the petitioner. Learned counsel for the respondent Shri Akhil Suresh appeared in the VC. List along with the main TCP/13/KOB/19 on 28.9.2020.

**8 TIA/109/KOB/2020 IN TCP/13/KOB/2019 (CA/320/2008 IN
CA/80/2008 IN CA/615/2006 IN CA/405/2003 IN CP/43/2003)**

None has appeared for the petitioner. Learned counsel for the respondents Shri Akhil Suresh appeared in the VC. List along with the main TCP/13/KOB/19 on 28.9.2020.

**9 TIA/110/KOB/2020 IN TCP/13/KOB/2019 (CA/385/2008 IN
CA/320/2008 IN CA/80/2008 IN CA/615/2006 IN CA/405/2003 IN CP/43/2003)**

None has appeared for the petitioner. Learned counsel for the respondents Shri Akhil Suresh appeared in the VC. List along with the main TCP/13/KOB/19 on 28.9.2020.

**10 TIA/111/KOB/2020 IN TCP/13/KOB/2019
(CA/644/2005 in CP/43/2003)**

Learned counsel for the petitioner Shri Akhil Suresh appeared in the VC. None has appeared for the respondent. List along with the main TCP/13/KOB/19 on 28.9.2020.

**11 TIA/112/KOB/2020 IN TCP/13/KOB/2019
(CA/485/2008 IN 644/2005 in CP/43/2003)**

No response from both the parties. List along with the main TCP/13/KOB/19 on 28.9.2020.

**12 TIA/113/KOB/2020 IN TCP/13/KOB/2019
(CA/493/2005 IN CP/43/2003)**

No response from both the parties. List along with the main TCP/13/KOB/19 on 28.9.2020.

**13 TIA/114/KOB/2020 IN TCP/13/KOB/2019
(CA/750/2008 IN CA/493/2005 IN CP/43/2003)**

No response from both the parties. List along with the main TCP/13/KOB/19 on 28.9.2020.

**14 TIA/115/KOB/2020 IN TCP/13/KOB/2019 (CA/751/2008 IN
CA/493/2005 IN CP/43/2003)**

No response from both the parties. List along with the main TCP/13/KOB/19 on 28.9.2020.

**15 TIA/116/KOB/2020 IN TCP/13/KOB/2019
(CA/333/2007 IN CP/43/2003)**

None has appeared for the petitioner. Learned counsel for the respondents Shri Akhil Suresh appeared in the VC. List along with the main TCP/13/KOB/19 on 28.9.2020.

**16 TIA/117/KOB/2020 IN TCP/13/KOB/2019
(CA/372/2007 IN CA/333/2007 IN CP/43/2003)**

None has appeared for the petitioner. Learned counsel for the respondents Shri Akhil Suresh appeared in the VC. List along with the main TCP/13/KOB/19 on 28.9.2020.

**17 TIA/118/KOB/2020 IN TCP/13/KOB/2019
(CA/701/2007 IN CA/372/2007 IN CA/333/2007 IN CP/43/2003)**

No response from both the parties. List along with the main TCP/13/KOB/19 on 28.9.2020.

**18 TIA/119/KOB/2020 IN TCP/13/KOB/2019
(CA/282/2007 IN CA/405/2003 IN CP/43/2003)**

None has appeared for the petitioner. Learned counsel for the respondents Shri Akhil Suresh appeared in the VC. List along with the main TCP/13/KOB/19 on 28.9.2020.

**19 TIA/120/KOB/2020 IN TCP/13/KOB/2019
(CA/484/2006 IN CP/43/2003)**

None has appeared for the petitioner. Learned counsel for the respondents Shri Akhil Suresh appeared in the VC. List along with the main TCP/13/KOB/19 on 28.9.2020.

**20 TIA/121/KOB/2020 IN TCP/13/KOB/2019
(CA/204/2010 IN CP/43/2003)**

No response from both the parties. List along with the main TCP/13/KOB/19 on 28.9.2020.

**21 TIA/122/KOB/2020 IN TCP/13/KOB/2019
(CA/268/2010 IN CP/43/2003)**

Learned counsel for the petitioner Shri Akhil Suresh appeared in the VC. None has appeared for the respondent. List along with the main TCP/13/KOB/19 on 28.9.2020.

**22 TIA/123/KOB/2020 IN TCP/13/KOB/2019
(CA/486/2008 IN CP/43/2003)**

No response from both the parties. List along with the main TCP/13/KOB/19 on 28.9.2020.

23 TCP/13/KOB/19

None has appeared for the petitioners. Learned counsel for the Respondent Shri Akhil Suresh appeared in the VC.

Today this TCP is posted for the report of RoC to know about the status of the Petitioner Company. It is reported by RoC that the Petitioner Company M/s. S.T.Reddiar and Sons Quilon Private Limited was incorporated on 10.5.1987 as a Private Limited Company with Registrar of Companies, Kerala. As per the records of the Company the "Registered Office of the Company is at 43/2722, Heritage, S.R.M.Road, Cochin, Kerala-682018". It is also reported that the Petitioner Company has filed its statutory returns viz: Annual Returns and Balance Sheets up to the Financial Year ended 31.03.1999. Thereafter the Company defaulted in filing its statutory returns. On the other hand, the report stated that the status of the Company is 'active'.

On perusal of the records it appears that the address of the Petitioner Company given in the Petition is S.T.Reddiar and Sons (Quilon) (P) Ltd, Registered Office at Mini Towers, S.R.M.Road, Kochi-18. Record reveals that repeated notices sent to the above address were returned stating that "no such office at Mini Tower". Therefore, it appears that there is little difference in the address given by the

Petitioner in the Company Petition and the Report of RoC. Registry is directed to issue notice again to the petitioner with Speed post with A/D in the address mentioned by RoC in his report, ie: M/s. S.T.Reddiar & Sons Quilon Private Limited, Registered Office : 43/2722, Heritage, S.R.M.Road, Cochin, Kerala - 682018.

List on 28.9.2020 along with all connected matters.

24 TCP/58/KOB/19 (TCP/235/17)

Learned counsel for the petitioner sought an adjournment for one month stating that the order in the connected TCP is under challenge before NCLAT vide CA(AT)No.82 of 2020 and 98 of 2020. Learned counsel for respondents is ready to argue through VC. Since the connected matter is under challenge before NCLAT list on 7.10.2020.

25. IA/106/KOB/2020 IN CP/19/KOB/2020

Both the parties are ready to argue through VC. However due to paucity of time and as agreed by the parties adjourned to 15.9.2020 at 2.30 PM .

26 CP/19/KOB/2020

Both the parties are ready to argue through VC. However due to paucity of time and as agreed by the parties adjourned to 15.9.2020 at 2.30 PM .

27 CP/117/KOB/19 WITH IA/97/KOB/2020

Both the parties are ready to argue through VC. However due to paucity of time adjourned to 15.9.2020 at 2.30 PM. List along with CP/19/KOB/2020.

28 IBA/18/KOB/2020

Learned counsel for the Operational Creditor Shri Kevin Thomas and Shri Darryl Peirera as well as learned counsel for the Corporate Debtor Shri Shanes Methar appeared in the VC. Heard both sides. Arguments concluded. Learned counsel for OC has filed argument note. Learned counsel for CD stated that he will be filing the argument note within two days along with the copy of the Suit No.224/2020 filed before the Commercial Court, Goa. Orders reserved. **List for pronouncement of orders on 25.9.2020.**