

NCLT, KOCHI BENCH

Daily Orders – Draft

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

Date: 15th Dec 2020

1 MA/171/KOB/2020 IN MA/96/KOB/2020 IN IBA/44/KOB/2019

Learned counsel for the Applicant Shri N.R.Krishnan Unni appeared through VC. **Orders pronounced. MA/171/KOB/2020 IN MA/96/KOB/2020 IN IBA/44/KOB/2019 is dismissed vide separate order.**

2 CA/72/KOB/2020

No response from the Appellant. It appears from records that vide our earlier order the appellant was directed to submit the latest Financial Statements, IT return and Memorandum of Association of the Appellant Company on or before 15.12.2020. In the last date of hearing, the learned counsel for the Appellant also assured before this Tribunal that the above documents will be filed before 15.12.2020 and accordingly the case was posted today for pronouncement of orders. But nothing has been filed by the Appellant till this date. The appellant is hereby given the last opportunity to submit the above documents on or before 18.12.2020. **List for pronouncement of orders on 18.12.2020**

3 CP(CAA)/05/KOB/2020 WITH CA(CAA)/02/KOB/2020 & CA(CAA)/03/KOB/2020

Learned counsel for the Petitioner Shri Mohan Pulickkal appeared through VC. **Orders pronounced. CP(CAA)/05/KOB/2020 is disposed of vide separate order.**

4 CA/104/KOB/2020

None has appeared for the Appellants. This is an Appeal filed by the Appellant for restoring the name of the Appellant Company in the Register of ROC. The documents submitted by the Appellant in his Appeal include the following:

- (i) Master Data
- (ii) Memorandum of Association and Articles of Association
- (iii) Latest Income Tax Return acknowledgement
- (iv) Latest Financial Statements

Admitted. Registry is directed to issue notice to ROC through special messenger for his report. List on **30.12.2020**.

5 CA/105/KOB/2020

None has appeared for the Appellants. This is an Appeal filed by the Appellant for restoring the name of the Appellant Company in the Register of ROC. The documents submitted by the Appellant in his Appeal include the following:

- (i) Master Data
- (ii) Memorandum of Association and Articles of Association
- (iii) Income Tax Return acknowledgement 2018-19
- (iv) Latest Financial Statements

Admitted. Registry is directed to issue notice to ROC through special messenger for his report. List on **30.12.2020**.

6 CA/106/KOB/2020

Learned counsel for the Appellant Shri Thomas T. Varghese appeared through VC. This is an Appeal filed by the Appellant for restoring the name of the Appellant Company in the Register of ROC. The documents submitted by the Appellant in his Appeal include the following:

- (i) Master Data
- (ii) Memorandum of Association and Articles of Association
- (iii) Latest Income Tax Return acknowledgement 2018-19
- (iv) Financial Statements upto 2016-17

Admitted. Registry is directed to issue notice to ROC through special messenger for his report. List on **29.12.2020**.

7 REPORT NO.124/KOB/2020 IN IA/129/KOB/2020 IN TIBA/07/KOB/2019

Learned Liquidator Shri Jasin Jose appeared through VC. The Report of the Liquidator contains list of claims, list of stakeholders, list of assets, etc. **The report of the Liquidator is taken on record.** Registry is directed to place the report in the appropriate file.

8 MA/181/KOB/2020 IN IA/166/KOB/2020 IN MA/01(KOB)/2020 IN IBA/145/2019(CB)

Learned counsel for the applicant Shri Sukumar Oommen submitted an email seeking an adjournment. Learned counsel for the Respondent Shri Maulik Nanavathi appeared through VC. Adjourned to **08.01.2021**.

9 MA/01(KOB)/2020 IN IBA/145/2019(CB)

Learned counsel for the Respondent Shri Sukumar Oommen submitted an email seeking an adjournment. Learned counsel for the Applicant Shri Maulik Nanavathi appeared through VC and submitted that process of settlement is going on and hence prayed for an adjournment of the case to the 1st week of January 2021. Allowed. List on **08.01.2021**.

10 IBA/11/KOB/2020

Learned counsel for the Financial Creditor Shri Mohan Jacob George sought link for appearance. Even though link was provided, none appeared for the FC.

The MD of the Corporate Debtor Shri Arun Kumar K appeared through VC. He submitted that in the initial payment of Rs. 1 crore to be paid as per the mutual understanding, Rs.50 lakhs has already been paid from the advance received through property sale and the balance Rs.50 lakhs was to be paid from the registration process of the same property. However, registration process was postponed to 21.12.2020, since the buyer admitted to the hospital due to covid positive. So, for the balance Rs.50 lakhs remittance, he requested the FC to grand time upto 25.12.2020. He also submitted that in tune with the earlier discussions he had with FC, he requested for an 18 months re-scheduling of the balance due amount as per a monthly payment of 20 lakhs each will be paid for the first 6 months and balance outstanding will be paid in 12 equal instalments after the first 6 months.

According to the MD of CD, the FC has informed him that they need to review the proposal and get approval from higher authorities. He expects the FC to give him the final approval on this proposal within 2 weeks. By that time the balance 50 lakhs to be remitted towards the initial payment also will be completed. So, he requested to post the case after 2 weeks so that he will be able to file a joint settlement memo along with the FC to close this matter.

The learned counsel for the FC, however, opposed the request for adjournment through email.

The parties are directed to arrive at a final settlement and file the settlement memo before this Tribunal on or before the next date fixed. **List on 04.01.2021**.

11 IBA/27/KOB/2020

Learned counsel for the OC Shri Rony Jose as well as learned counsel for the Corporate Debtor Adv Sri Nath V appeared through VC. Counter has already been filed. Heard arguments of both sides. **Reserved for orders. List for pronouncement of orders on 19.01.2021, before that date both parties may submit their written submissions.**

12 MA/187/KOB/2020 IN IBA/34/KOB/2020

Learned counsel for the Applicants Ms Jeslin appeared through VC. Shri Sharad Kodianthara, who appeared for CD submitted that the Hon'ble High Court of Kerala vide order dated 11.12.2020 in WP No.27636/20 has stayed the proceedings of this Tribunal. In view of the said stay order, adjourned to **27.1.2021**.

13 IBA/34/KOB/2020

Learned counsel for the Operational Creditor Ms Jeslin appeared through VC. Shri Sharad Kodianthara, who appeared for CD submitted that the Hon'ble High Court of Kerala vide order dated 11.12.2020 in WP No.27636/20 has stayed the proceedings of this Tribunal. In view of the said stay order, adjourned to **27.1.2021**.

14 IBA/37/KOB/2020

Learned counsel for the Operational Creditor Shri Divakar Maheswari and Shri Thomas Kuruvilla appeared through VC. This is an IB Application filed by M/s. BMW India Financial Services Pvt Ltd against the Corporate Debtor M/s. Koyenco Autos Pvt Ltd for realisation of Rs.24,20,59,951/-. Registry reported that they have received an email from Shri Jithin Saji Isaac, Advocate stating that he wants to appear through VC in this case. But he has not filed the vakkalath and hence link has not been given.

The CD is directed to file the counter within two weeks. The FC may file the rejoinder, if any, before the next date fixed. Registry is directed to issue copy of this order to both the parties through email. **List on 18.1.2021**.

15 TCP/52/KOB/2019 (CP/7/2017)

Learned counsel for the Petitioner Shri T.K.Bhaskar appeared through VC. Learned counsel for R1 to R6, R12 and R13 submitted an email stating that since the parties are residing in US, the PoA need to get them notarized again, but it keeps getting delayed because of the pandemic. Hence, he prayed one-month time for filing the Vakkalath along with PoA. Allowed. The respondents are directed to file their Vakkalath along with the counter positively within one month. The Petitioners may file their rejoinder, if any before the next date fixed. **List on 29.01.2021 at 2.30 pm**.

16 IA/214/KOB/2020 IN CP/21/KOB/2020

Learned counsel for both parties sought link to appear through VC. However, due to paucity of time today, the matter is **adjourned to 6.1.2021**.

17 IA/199/KOB/2020 IN CONTEMPT PETITION/09/KOB/2020 IN CP/21/KOB/2020

Learned counsel for both parties sought link to appear through VC. However, due to paucity of time today, the matter is **adjourned to 6.1.2021**.

18 CONTEMPT PETITION/09/KOB/2020 IN CP/21/KOB/2020

Learned counsel for both parties sought link to appear through VC. However, due to paucity of time today, the matter is **adjourned to 6.1.2021**.

19 IA/162/KOB/2020 IN CA/78/KOB/2020

Learned counsel for the petitioner/applicant sought link to appear through VC. Advocate Nebil Nizar sent an email with a vakalth to appear for the respondents. However, due to paucity of time today, the matter is **adjourned to 19.1.2021**.

20 CA/78/KOB/2020

Learned counsel for the petitioner sought link to appear through VC. Advocate Nebil Nizar sent an email with a vakalth to appear for the respondents. However, due to paucity of time today, the matter is **adjourned to 19.1.2021**.

21 CP/32/KOB/2020

Learned counsel for the petitioner Shri Shinu J Pillai, Learned counsel for respondents Shri Anil D Nair, Abraham Cherian, Jayan K, Muhammed Fazil MP and Raji N appeared through VC. Arguments of both parties have been heard. **Reserved for orders.** Parties may file their brief written arguments not above 5 pages, within two weeks. R10 may also file their counter, if any, within two weeks. **List for pronouncement of orders on 22.01.2021.**