

NCLT, KOCHI BENCH

Daily Orders – Draft

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

Date: 18th Dec 2020

1 MA/182/KOB/2020 IN IBA/08/KOB/2020

Learned counsel for the Applicant Shri Vinod PV appeared through VC. Orders pronounced. **MA/182/KOVB/2020 is disposed of vide separate order.**

2 MA/161/KOB/2020 IN CP(IB)/28/KOB/2019

Learned counsel for the Applicant Shri Asher Sojan as well as learned RP Shri Bijoy P Pulipra appeared through VC. Orders pronounced. **MA/161/KOVB/2020 is dismissed vide separate order.**

3 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. The learned counsel for the Appellant has also assured before this Tribunal that the above documents will be filed before 15.12.2020 and accordingly the case was posted for pronouncement of orders on 15.12.2020. But the said documents have not been filed by the Appellant on 15.12.2020. Accordingly, the Appellant was given a last opportunity to submit the above documents on or before 18.12.2020. But nothing has been filed till this date. **Hence the matter is de-reserved and released from the list of orders to be pronounced. List for hearing on 06.01.2021.**

4 CA/95/KOB/2020

Learned PCS for the Appellant Shri Yogindunath appeared through VC. Orders pronounced. **CA/ 95 /KOVB/2020 is disposed of vide separate order.**

5 CA/94/KOB/2020

Learned PCS for the Appellant Shri PP Zibi Jose appeared through VC. Orders pronounced. **CA/ 94/KOVB/2020 is disposed of vide separate order.**

6 CA/96/KOB/2020

Learned PCS for the Appellant Shri Yogindunath appeared through VC. Orders pronounced. **CA/ 96 /KOOB/2020 is disposed of vide separate order.**

7 CA/98/KOB/2020

Learned counsel for the Appellant Smt Merrin Thaliath appeared through VC. Orders pronounced. **CA/ 98 /KOOB/2020 is disposed of vide separate order.**

8 CA/99/KOB/2020

Learned PCS for the Appellant Shri Abhishek Chhajed appeared through VC. Orders pronounced. **CA/ 99 /KOB/2020 is disposed of vide separate order.**

9 CA/107/KOB/2020

Learned counsel for the Appellant Shri Krishna Prasad appeared through VC. Orders pronounced. **CA/ 107 /KOOB/2020 is disposed of vide separate order.**

10 CA/108/KOB/2020

Learned Counsel for the Appellant Shri Nebil Nizar appeared through VC. Orders pronounced. **CA/ 108 /KOOB/2020 is disposed of vide separate order.**

11 CA/109/KOB/2020

Learned counsel for the Appellant Shri Cyriac Tom appeared through VC. ROC report is on record. Accordingly, the matter was taken up for Orders. However, on verification of the records, it is seen that in para 7 of the ROC report, it has been pointed out that the Appellant is currently staying in Dubai and that being so, how the Appellant has signed this appeal. The Appellant has also stated in para 8 of the application that the appellant is currently staying in Dubai. Hence, **List for hearing on 11.01.2021 for clarification of the above point.** Registry to communicate this order through email to the counsel for appellant.

12 CA/110/KOB/2020

Learned counsel for the Appellant Shri Cyriac Tom appeared through VC. This is an Appeal filed by the Appellant for restoring the name of the Appellant Company in the Register of ROC. Admitted. Registry is directed to issue notice to ROC through special messenger for his report. **List on 08.01.2021**

13 CA/111/KOB/2020

Learned counsel for the Appellant Shri Cyriac Tom appeared through VC. ROC report is on record. Accordingly, the matter was taken up for Orders. However, on verification of the records, it is seen that in para 7 of the ROC report, it has been pointed out that the Appellant is currently staying in Dubai and that being so, how the Appellant has signed this appeal. The Appellant has also stated in para 8 of the application that the appellant is currently staying in Dubai. Hence, **List for hearing on 11.01.2021 for clarification of the above point.** Registry to communicate this order through email to the counsel for appellant.

14 CA/112/KOB/2020

Learned counsel for the Appellant Shri Cyriac Tom appeared through VC. ROC report is on record. Accordingly, the matter was taken up for Orders. However, on verification of the records, it is seen that in para 7 of the ROC report, it has been pointed out that the Appellant is currently staying in Dubai and that being so, how the Appellant has signed this appeal. The Appellant has also stated in para 8 of the application that the appellant is currently staying in Dubai. Hence, **List for hearing on 11.01.2021 for clarification of the above point.** Registry to communicate this order through email to the counsel for appellant.

15 CA/113/KOB/2020

Learned counsel for the Appellant Shri Cyriac Tom appeared through VC. ROC report is on record. Accordingly, the matter was taken up for Orders. However, on verification of the records, it is seen that in para 7 of the ROC report, it has been pointed out that the Appellant is currently staying in Dubai and that being so, how the Appellant has signed this appeal. The Appellant has also stated in para 8 of the application that the appellant is currently staying in Dubai. Hence, **List for hearing on 11.01.2021 for clarification of the above point.** Registry to communicate this order through email to the counsel for appellant.

16 CA/114/KOB/2020

Learned counsel for the Appellant Shri Cyriac Tom appeared through VC. ROC report is on record. Accordingly, the matter was taken up for Orders. However, on verification of the records, it is seen that in para 7 of the ROC report, it has been pointed out that the Appellant is currently staying in Dubai and that being so, how the Appellant has signed this appeal. The Appellant has also stated in para 8 of the application that the appellant is currently staying in Dubai. Hence, **List for hearing on 11.01.2021 for clarification of the above point.** Registry to communicate this order through email to the counsel for appellant.

17 CA/115/KOB/2020

Learned counsel for the Appellant Shri Cyriac Tom appeared through VC. This is an Appeal filed by the Appellant for restoring the name of the Appellant Company in the

Register of ROC. Admitted. Registry is directed to issue notice to ROC through special messenger for his report. **List on 08.01.2021**

18 CA/116/KOB/2020

Learned counsel for the Appellant Shri Cyriac Tom appeared through VC. This is an Appeal filed by the Appellant for restoring the name of the Appellant Company in the Register of ROC. Admitted. Registry is directed to issue notice to ROC through special messenger for his report. **List on 11.01.2021.**

19 CA/117/KOB/2020

Learned counsel for the Appellant Shri Cyriac Tom appeared through VC. ROC report is on record. Accordingly, the matter was taken up for Orders. However, on verification of the records, it is seen that in para 7 of the ROC report, it has been pointed out that the Appellant is currently staying in Dubai and that being so, how the Appellant has signed this appeal. The Appellant has also stated in para 8 of the application that the appellant is currently staying in Dubai. Hence, **List for hearing on 11.01.2021 for clarification of the above point.** Registry to communicate this order through email to the counsel for appellant.

20 CA/118/KOB/2020

Learned counsel for the Appellant Shri Cyriac Tom appeared through VC. ROC report is on record. Accordingly, the matter was taken up for Orders. However, on verification of the records, it is seen that in para 7 of the ROC report, it has been pointed out that the Appellant is currently staying in Dubai and that being so, how the Appellant has signed this appeal. The Appellant has also stated in para 8 of the application that the appellant is currently staying in Dubai. Hence, **List for hearing on 11.01.2021 for clarification of the above point.** Registry to communicate this order through email to the counsel for appellant.

21 CA/119/KOB/2020

Learned counsel for the Appellant Shri Cyriac Tom appeared through VC. This is an Appeal filed by the Appellant for restoring the name of the Appellant Company in the Register of ROC. Admitted. Registry is directed to issue notice to ROC through special messenger for his report. **List on 11.01 2021.**

22 CA/120/KOB/2020

Learned counsel for the Appellant Shri Abid Millath appeared through VC. ROC report is on record. Orders Pronounced. **CA/120/KOB/2020 is disposed of vide separate sheets.**

23 CA/121/KOB/2020

Learned counsel for the Appellant Shri Nikhil George appeared through VC. This is an Appeal filed by the Appellant for restoring the name of the Appellant Company in the Register of ROC. **Admitted.** Registry is directed to issue notice to ROC through special messenger for his report. **List on 12.01 2021**

24 MA/207/KOB/2020 IN IA/129/KOB/2020 IN TIBA/07/KOB/2019

Learned counsel for the Applicant Shri S.Easwaran as well as learned liquidator Shri Jasine Jose appeared through VC. None appeared for R2. This application is filed under Section 60(5) of the IBC, 2016 read with Rule 11 of NCLT Rules, 2016 by the applicant, who is the shareholder of the CD Company. The applicant in his application has alleged various illegal and fraudulent action by the Official Liquidator. Along with the 7 main reliefs, the applicant has sought 2 interim reliefs also in his application, which include stay all further proceedings pursuant to order dated 16.09.2020 in IA/129/KOB/2020 passed for liquidation of the CD.

The learned liquidator submitted that the application is not at all maintainable. After hearing both sides and thoroughly perusing the records, I think it would not be justified to pass any order without perusing the counter. So, the liquidator and Respondent No.2 is directed to file their counter within two weeks positively. **List on 07.01.2021 for hearing.**

25 MA/208/KOB/2020 IN TIBA/03/KOB/2019

No response from the applicant. Learned counsel for the RP Shri Vinod PV appeared through VC. **Adjourned to 18.01.2021**

.

26 IA/152/KOB/2020 IN CP/08/KOB/2020

Learned counsel for the Applicant Shri Vinu Thomas as well as learned PCS for R1 to R4 Shri Yogindunath appeared through VC. Heard both the parties. Adjourned to 05.01.2021 for further hearing.

27 IA/153/KOB/2020 IN CP/08/KOB/2020

Learned counsel for the Applicant Shri Vinu Thomas as well as learned PCS for R1 to R4 Shri Yogindunath appeared through VC. Heard both the parties. Adjourned to 05.01.2021 for further hearing.

28 CP/08/KOB/2020

Learned PCS for the Petitioners Shri Yogindunath as well as learned counsel for R2 & R3 Shri Vinu Thomas appeared through VC Heard both the parties. Adjourned to 05.01.2021 for further hearing **as Part Heard.**

29 CA/101/KOB/2020

Learned counsel for the Appellant Shri Muhammed Hashim appeared through VC. ROC report is on record. **CA/101/KOB/2020 is disposed of vide separate sheets.**

30 CA/102/KOB/2020

Learned counsel for the Appellant Shri Krishna Kumar appeared through VC. ROC report is on record. **CA/102/KOB/2020 is disposed of vide separate sheets.**

31 CA/103/KOB/2020

Learned counsel for the Appellant Shri Vinu Thomas appeared through VC. ROC report is on record. **CA/103KOB/2020 is disposed of vide separate sheets.**

Supplementary

1. CA/105/KOB/2020

Learned counsel for the Appellant Shri Krishna Prasad appeared through VC. ROC report is on record. **CA/105/KOB/2020 is disposed of vide separate sheets.**

2. IBA/41/KOB/2020

Learned counsel for the Financial Creditor Smt Uma Rani as well as learned counsel for the CD Shri Peer Muhammed Khan appeared through VC. This is an application filed under Section 7 of the IBC 2016. It appears from records that the Debt amount claimed by the FC is Rs.1,99,10,941/-. The CD is directed to file their counter within two weeks. The FC may file their rejoinder, if any, before the next date fixed.

List on **19.1.2021.**