

**NCLT, KOCHI**

## **Daily Orders – Draft**

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

**Date: 30th June 2020**

**1 REPORT NO. 52/2020 & REPORT NO. 53/2020 IN IBA/8/KOB/2020**

None has appeared for the IRP. Report No.52 dated 27.5.2020 filed on 10.6.2020 by the IRP is taken on record. Report No.53 dated 9.6.2020 filed on 10.6.2020 by the IRP is taken on record. Registry is directed to place the reports in appropriate records.

**2 REPORT NO. 54/2020 IN CP/91/2018 (CB)**

Learned liquidator submitted an email seeking an adjournment. However, since this is only a report filed in the above CP, the same taken on record. Registry is directed to place the report in appropriate records.

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

It appears from records that R3, R4, R6 to R11 have not been served notices properly. The petitioners are directed to take steps to serve notice to the aforesaid respondents and produce proof of service through an affidavit before the next date fixed. List on 26.8.2020.

**4 CP/115/KOB/19**

Learned proxy counsel for the petitioners Shri E.Narayanan and learned counsel for the respondent Shri P.M.Unni Namboodiri appeared through VC. Pleadings are complete in this case. Today the case is posted for hearing. The prayers in the CP are to wind up the Company under Section 271(d) of the Companies Act 2013, award the cost and expenses to the petitioners incurred for filing the winding up petition and to pass such further or other orders as this Tribunal may deem fit and proper.

The respondent in his counter has prayed that in case the assets of the company are put for sale, the 1<sup>st</sup> respondent may be given preference to purchase the same. The respondent has also prayed that while passing orders for winding up of M/s. Baksons (India) Pvt Ltd this Tribunal may be pleased to pass necessary orders protecting the first respondent's interest also.

I have heard the submissions of learned proxy counsel for the petitioner as well as learned counsel for the respondent through Video Conferencing. In view of the submissions in the Counter Affidavit, learned counsel for the petitioner sought two months time for filing the settlement memo. Next date fixed for final hearing on

26.8.2020, before that date both the parties are directed to file their settlement memo.

**5 CP/02(KOB)/2020**

Learned senior counsel for the petitioners Shri Aravindh Pandian and learned PCS for the respondents Shri K.S.Ravichandran appeared through VC. The names of the Independent Forensic Auditor suggested by the petitioners are on record. Learned counsel for the Respondents submitted that they have filed an appeal CA(AT)/87/2020 before the Hon'ble NCLAT, which is coming up for hearing on 3.7.2020 and hence prayed for an adjournment. The learned senior counsel vehemently opposed the adjournment request stating that the learned PCS for the respondents is unnecessarily delaying the disposal of the matter. Anyhow, list the matter on **14.7.2020**. If no orders by the Hon'ble NCLAT before that date, orders will be passed by this Tribunal from the suggested names of Independent Forensic Auditor given by the petitioners.

**6 IA/44/KOB/2020 IN CP/02/KOB/2020**

Learned PCS for the applicant Shri K.S.Ravichandran and learned senior counsel for the Respondent Shri Aravindh Pandian in the IA appeared through VC. Learned PCS for the applicant prayed for time to file rejoinder in the matter. Learned senior counsel for the Respondent opposed the request for adjournment stating that the matter was posted today for hearing. Anyway, next date fixed for hearing on 14.7.2020 before that date the applicant is directed to file his rejoinder, if any. **Please bear in mind that there shall be no adjournment in this matter.**

**7 CA/44/KOB/19**

Learned counsel for the appellant Shri A.C.Venugopal and learned counsel for the Administrator (R1) Shri Manuel Vivera appeared through VC. None has appeared for other respondents. It appears from records that the counter filed by Respondents 4, 6 to 9, 11, 13 and 18 was found defective due to non-notarisation, which has been returned to the learned counsel for the aforesaid respondents. Respondents were given ample opportunity to rectify the defect in the counter. It is noted that non-filing of the counter has delayed the disposal of the case. Therefore, the respondents are directed to file their counter before the next date fixed positively. Registry is directed to issue notice to the respondents 4, 6 to 9, 11, 13 and 18 directing them to rectify and file the counter after notarising. If the aforesaid respondents are not filing the rectified counter before the next date fixed, orders will be passed according to the procedure of law. List on 10.8.2020.

**8 CA/19/KOB/2020**

Learned PCS for the appellant appeared through VC. The documents filed by the appellant are on record. Orders reserved. List for pronouncement of orders on 1.7.2020.