

NCLT, KOCHIDaily **Orders** – Draft

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

Date:15th June 2020**1 CA/21/KOB/2020**

Order pronounced vide separate sheets. CA is allowed.

2 IBA/17/KOB/2020

Learned counsel for the Financial Creditor is present through Audio Conferencing. He stated that the Corporate Debtor has filed the counter affidavit on 16.3.2020 and a copy of that counter has already been received by him. It appears from records that by the order dated 17.3.2020, Mr. Pradeep Joy, who appeared for the Corporate Debtor sought time to file the counter, was directed to file the counter on or before 1.4.2020. On rechecking the matter with the registry, the registry informed that on 16.3.2020 no such counter/objection was filed by the Corporate Debtor before this Tribunal. Whatever may be the reason, the Corporate Debtor is directed to file the counter before this Tribunal positively within one week from the date of this order. Registry is directed to send a copy of this order to the Financial Creditor and Corporate Debtor through email in addition to normal procedure. The Financial Creditor is directed to file his rejoinder before the next date fixed. The Financial Creditor is also directed to submit the Information Utility Certificate under section 7 (3)(a) of IBC 2013 before the next date fixed. List on 1.7.2020.

3 IBA/18/KOB/2020

Learned counsel for the Operational Creditor is present through Video conferencing. No response from the Corporate Debtor. The CD is directed to participate in the hearing on the next date fixed. The Operational Creditor is directed to issue notice to the Corporate Debtor advising him to participate in the hearing on the next date fixed positively. List on 8.7.2020.

4 IBA/21/KOB/2020

Learned counsel for the Operational Creditor has appeared through Audio Conferencing. No response from the CD. The CD is directed to file his counter affidavit within two weeks from the date of this order. Registry is directed to issue notice to the CD by email in addition to normal procedure. The Operational Creditor is also directed to issue notice to the CD advising him to file his counter before the next date fixed. List on 1.7.2020.

5 TCP/45/KOB/19

It appears from records that the petitioner was represented through a proxy counsel on 18.2.2020. On that date the learned counsel for R1 to R5 and R7 was present. ROC was also present. Learned counsel for R1 to R5 stated on that day he wants to argue on the question of maintainability. It was stated by the learned counsel for R7 that he has been impleaded as 7th respondent on the basis of the orders passed by NCLAT. It was noticed that the petitioner has not filed the amended cause title. Accordingly vide order dated 18.2.2020 the petitioner was directed to file the amended cause title to the TCP within a week. Both the parties were also directed to file written argument in the matter before 11.3.2020. On 11.3.2020 Shri Cyriac Tom appeared for the petitioner and stated that there is a change in Vakkalath and that he is filing Vakkalath on that day. Learned counsel for R1 to R5 and R7 were present on that date. Learned counsel for the petitioner stated that a case filed by R7 connected to this case was pending before the Sub Court, Calicut. However, learned counsel for R7 stated that matter has been dismissed and he will produce copy of dismissal order before 20.4.2020. It appears from records that neither R7 nor anybody has filed the dismissal order till date before this Tribunal. Meanwhile when the case was posted on 1.6.2020, R1, R10 and R11 sought adjournment vide email. But no information was received either from the petitioner or from other respondents. Accordingly, the case was posted today.

Today, the learned counsel for the petitioner has appeared through Audio Conferencing and sought an adjournment for 3 weeks. Since pleadings are complete, list the matter for final hearing on 16.7.2020. Registry is directed to inform both the parties accordingly. Both the parties are directed file their written synopsis positively before 16.7.2020.

6 TCP/49/KOB/19 WITH CA/13/2009(CLB)

Learned counsel for R6 is ready for VC. It is seen that since the earlier Advocate relinquished the Vakkalath, Registry sent notice to the petitioners informing the next date of posting. However, no response from the petitioner. List on 14.7.2020.

7 IA23(KOB)/2020 IN TCP/49/KOB/19

No response from the applicant in the IA. R8 is ready for VC. No response from other respondents in IA. Adjourned to 14.7.2020.

8 TCP/14/KOB/2020 (TCP/67/2016(CB))

Learned counsel for petitioner is ready for VC. However, learned counsel for respondents sought an adjournment through email. List on 14.7.2020

9 CA/7/KOB/2020

Learned counsel for the applicant is present through Audio Conferencing. The newly impleaded R2 and R3 have not yet filed any counter. The report of ROC is on record. R2 and R3 may file their counter, if any, before the next fixed. List for hearing on 22.6.2020.

10 **CA/19/KOB/2020**

Learned counsel for the appellant appeared through VC. The appellant is directed to rectify the appeal as ordered earlier, before the next date fixed, failing which the appeal will be disposed of in accordance with the available records. List on 30.6.2020.