

Daily order 17.6.2020

NATIONAL COMPANY LAW TRIBUNAL

KOCHI BENCH

**DRAFT (corrected)**

DAILY ORDER

DATE: 17<sup>TH</sup> JUNE, 2020

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

No response from both parties. It is seen from the records that an impleading petition filed by petitioners to implead legal heirs of the deceased R5 is defective. But the defect has not been cured yet. The petitioner may cure the defect and re-represent the impleading petition within two weeks, if so advised. List for hearing on **22.7.2020**.

(2) TCP/58/KOB/2019 (TCP/235/17)

No response from both parties. On earlier posting on 2.6.2020 also no response from both parties. List for final hearing on **22.7.2020**.

(3) TCP/67/KOB/2019 with IA/51/KOB/2020 in IA 79/KOB/2019

Learned counsel for the petitioner in IA/51/KOB/2020 participated through audio call but none appeared for the respondents. It appears from the records that this application was filed on 22.02.2020, but the opposite parties have not yet filed any counter to the same. If no reply to the IA is filed, the IA will be heard and decide *ex parte*. The Registry is directed to issue notice to the respondents directing him to appear on the next hearing date. The petitioner is also directed to send notice to the respondent and produce proof of service with an affidavit within one week. List on **22.07.2020**

(4) CP/127/KOB/2019

The learned counsel for the petitioner, PCS Bijoy Prabhakaran Pulipra appeared through audio call. None appeared for the respondents. However, respondents 1 to 3 as also R5 sent an email requesting for an adjournment. Learned PCS for R4 sent his willingness to participate in the Video conference. It is found from the records that the respondents No. 1 to 3 have filed a maintainability petition through email, but the hard copy is not received in the Registry yet. The counsel for the petitioner stated that the respondent Nos. 1 to 3 have not filed the counter to the main CP. However R4 has filed the counter. Therefore, the Registry is directed to inform the respondents 1 to 3 and 5 of the main CP to file the counter before the next date fixed through email in addition to the normal procedure. They are also directed to submit the hard copy of the maintainability petition as also counter to the main CP before the next date of hearing. List on **23.07.2020**

(5) **IA/76/KOB/2020 IN CP/127/KOB/2019**

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The learned counsel for the respondent, PCS Bijoy Prabhakaran Pulipra appeared through audio call. The petitioner in IA sought an adjournment through email. It is found from the records that on 04.06.2020, the learned PCS P.P Zibi Jose, counsel for Respondent No.5 has filed this IA/76/KOB/2020 to remove the name of Respondent No.5 in CP/127/KOB/2019. But it appears that the opposite party, i.e., petitioner in main CP/127/KOB/2019, did not file counter to the same. The counsel for the respondent in this IA who appeared through audio call is directed to file counter through email in addition to normal procedure before the date of next hearing. List on **23.07.2020** along with main C.P 127/KOB/2019.

(6) CP/3(KOB)/2020

The learned counsel for the petitioner, Mr. John Vadassery appeared through audio call and counsel for the Respondent Nos. 1-3 appeared through video conferencing. It appears from the records that the counter of respondents 1 to 3 has already been filed on 17.03.2020, but the counsel for the petitioner verbally submitted that he has not received the copy of the same. I have perused the records and found that the counsel for petitioner has signed in the counter stating that he has received the counter. Moreover, he has filed rejoinder to the counter, which is stated to be defective. Counsel has agreed to re-present the rejoinder within a week curing the defects noted. List on **23.07.2020**.