

NCLT, KOCHI BENCH

Daily Orders – Draft

Date: 2nd Sept 2021

In the Bench of: **Shri Ashok Kumar Borah, Hon'ble Member (Judicial) & Shri Rajesh Sharma, Hon'ble Member (Technical)**

1 REPORT/75/KOB/2021 IN IBA/38/KOB/2019

This is the 7th Progress Report submitted by the RP. But today the RP is not appeared through VC. RP is directed to appear through VC in the next date of hearing positively.

List on 06.09.2021.

2 REPORT/76/KOB/2021 IN IBA/38/KOB/2019

This is the 8th Progress Report submitted by the RP. But today the RP is not appeared through VC. RP is directed to appear through VC in the next date of hearing positively.

List on 06.09.2021.

3 CP/30/KOB/2020

Learned counsel for the Petitioner Shri Anil D. Nair as well as learned counsel for the Respondent Smt. Marian GM Tharakan appeared through VC.

Heard briefly the learned counsel of both the parties.

During the course of argument, both the counsel could not answer one question from the Bench as to in whose bank account the deposit of Rs.30,00,000/- claimed in the petition under Section 73(4) was credited by the petitioner.

Both the parties are directed to submit their respective bank account details for the relevant period with an affidavit. This may be complied by tomorrow evening (3.9.2021) so that the matter can be heard on 06.09.2021.

List on 06.09.2021 (High on Board) for final hearing.

4 IA(IBC)/118/KOB/2021 IN IBA/41/KOB/2020

Learned counsel for the applicant Shri V.K.Peer Mohammed Khan (through proxy) as well as learned proxy counsel for R1 Smt. Umarani MN appeared through VC.

Both the parties submitted that the Hon'ble High Court of Kerala has extended the stay order in this matter upto 06.09.2021.

In view of the above, list on 20.09.2021.

5 CP(IB)/07/KOB/2021

Learned counsel for the Operational Creditor Shri Riji Rajendran as well as learned counsel for the Corporate Debtor Shri Pranoy Harilal appeared through VC.

Both the counsel submitted that the matter has been settled through Settlement Deed dated 11.08.2021. The screen shot of Settlement Deed also shown during the hearing.

The OC is directed to file the Settlement Deed by mail today itself.

CP (IB)/07/KOB/2021 is disposed of vide separate sheets.

6 CA(CA)/80/KOB/2021 IN TCP/47/KOB/2019

Learned counsel for the Liquidator Shri Vinod PV appeared through VC.

This CA has been filed by the Liquidator under Rule 11 of the NCLT Rules, 2016 for condonation of delay in filing the application for direction and exclusion of lock down period from 17.04.2021 to 16.06.2021 from the period of liquidation process.

Heard and perused the records.

For the reasons stated in the CA, CA(CA)/80/KOB/2021 IN TCP/47/KOB/2019 stands allowed.

7 CA(C/ACT)/83/KOB/2021 IN TCP/47/KOB/2019

This CA has been filed by the Liquidator under Rule 11 of NCLT Rules, 2016 with the prayer to pass order of appointment of the Company Liquidator and also seeking certain other directions.

Heard and perused the records.

Orders reserved. The date of pronouncement of orders will be intimated later.

8 TCP/50/KOB/2019

None appeared for the petitioner. Learned counsel for R1 & R2 Smt. Sindhu Santhalingam appeared through VC.

It appears from records that during the last two hearings on 22.04.2021 and 28.07.2021 none appeared for the petitioner even though fresh vakalath was filed for him on 22.03.2021. It shows that the petitioner is no more interested to prosecute the case.

Therefore, TCP/50/KOB/2019 stands dismissed due to non-prosecution vide separate order.

9 TCP/116/KOB/19

Learned counsel for the Petitioner Shri A.D.Shajan as well as learned counsel for R1 Smt. Sindhu Santhalingam appeared through VC. None appeared for R2 even though vakalath was filed.

The Petitioner is directed to issue fresh notice to R2 through Registered Post with A/D and submit proof of service (A/d card or Postal Track Report) with an affidavit two days before the next date of hearing. Registry is also directed to issue notice to R2 through email. R2 is directed to appear through VC on the next date of hearing, failing which, law will take its own course.

List on 20.10.2021 for hearing.

10 CP(CAA)/3/KOB/2021 IN CA(CAA)/18/KOB/2019

Learned counsel for the Petitioner Shri Paulose C. Abraham appeared through VC. Even though the paper publication has been produced, it is seen that the notice has not been served to the statutory authorities like Regional Director, Registrar of Companies, SEBI, BSE, NSE, Income Tax, GST, and the Official Liquidator. Petitioner is directed to issue notice to the aforesaid authorities enclosing a copy of the petition, within a week and submit of proof of service with an affidavit along with AD Card/Postal Track Report before the next date fixed. **List for hearing on 20.10.2021.**

11 CP(CAA)/4/KOB/2021 IN CA(CAA)/17/KOB/2019

Learned counsel for the Petitioner Shri Paulose C. Abraham appeared through VC. Even though the paper publication has been produced, it is seen that the notice has not been served to the statutory authorities like Regional Director, Registrar of Companies, SEBI, BSE, NSE, Income Tax, GST, and the Official Liquidator. Petitioner is directed to issue notice to the aforesaid authorities enclosing a copy of the petition, within a week and submit of proof of service with an affidavit along with AD Card/Postal Track Report before the next date fixed. **List for hearing on 20.10.2021.**