

NCLT, KOCHI BENCH**Daily Orders – Draft**

Date: 6th August 2021

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

1 CA(IBC)/42/KOB/2021 IN IN IBA/258/CB/2019

Learned counsel appearing for the applicant Ms.Divya Dinoop as well as learned Counsel for the Liquidator Shri Akhil Suresh appeared through VC.

This is an application filed under Section 42 of IBC 2016 seeking certain directions to the Liquidator.

Shri Akhil Suresh submitted that he has already received the copy of the application and hence sought time to file the Vakkalath and counter. Allowed. He may file the counter within two weeks. The applicant may file rejoinder, if any, within one week thereafter.

List on 01.09.2021 for hearing.

2 CA(IBC)/43/KOB/2021 IN IN IBA/258/CB/2019

Learned counsel appearing for the applicant Ms.Divya Dinoop as well as learned Counsel for the Liquidator Shri Akhil Suresh appeared through VC.

This is an application filed under Section 42 of IBC 2016 seeking certain directions to the Liquidator.

Shri Akhil Suresh submitted that he has already received the copy of the application and hence sought time to file the Vakkalath and counter. Allowed. He may file the counter within two weeks. The applicant may file rejoinder, if any, within one week thereafter.

List on 01.09.2021 for hearing.

3 CA(IBC)/44/KOB/2021 IN IN IBA/258/CB/2019

Learned counsel appearing for the applicant Ms.Divya Dinoop as well as learned Counsel for the Liquidator Shri Akhil Suresh appeared through VC.

This is an application filed under Section 42 of IBC 2016 seeking certain directions to the Liquidator.

Shri Akhil Suresh submitted that he has already received the copy of the application and hence sought time to file the Vakkalath and counter. Allowed. He may file the counter within two weeks. The applicant may file rejoinder, if any, within one week thereafter.

List on 01.09.2021 for hearing.

4 CA(IBC)/45/KOB/2021 IN IN IBA/258/CB/2019

Learned counsel appearing for the applicant Ms.Divya Dinoop as well as learned Counsel for the Liquidator Shri Akhil Suresh appeared through VC.

This is an application filed under Section 42 of IBC 2016 seeking certain directions to the Liquidator.

Shri Akhil Suresh submitted that he has already received the copy of the application and hence sought time to file the Vakkalath and counter. Allowed. He may file the counter within two weeks. The applicant may file rejoinder, if any, within one week thereafter.

List on 01.09.2021 for hearing.

5 CA(IBC)/46/KOB/2021 IN IN IBA/258/CB/2019

Learned counsel appearing for the applicant Ms.Divya Dinoop as well as learned Counsel for the Liquidator Shri Akhil Suresh appeared through VC.

This is an application filed under Section 42 of IBC 2016 seeking certain directions to the Liquidator.

Shri Akhil Suresh submitted that he has already received the copy of the application and hence sought time to file the Vakkalath and counter. Allowed. He may file the counter within two weeks. The applicant may file rejoinder, if any, within one week thereafter.

List on 01.09.2021 for hearing.

6 CA(IBC)/47/KOB/2021 IN IN IBA/258/CB/2019

Learned counsel appearing for the applicant Ms.Divya Dinoop as well as learned Counsel for the Liquidator Shri Akhil Suresh appeared through VC.

This is an application filed under Section 42 of IBC 2016 seeking certain directions to the Liquidator.

Shri Akhil Suresh submitted that he has already received the copy of the application and hence sought time to file the Vakkalath and counter. Allowed. He may file the counter within two weeks. The applicant may file rejoinder, if any, within one week thereafter.

List on 01.09.2021 for hearing.

7 CA(IBC)/48/KOB/2021 IN IN IBA/258/CB/2019

Learned counsel appearing for the applicant Ms.Divya Dinoop as well as learned Counsel for the Liquidator Shri Akhil Suresh appeared through VC.

This is an application filed under Section 42 of IBC 2016 seeking certain directions to the Liquidator.

Shri Akhil Suresh submitted that he has already received the copy of the application and hence sought time to file the Vakkalath and counter. Allowed. He may file the counter within two weeks. The applicant may file rejoinder, if any, within one week thereafter.

List on 01.09.2021 for hearing.

8 CA(IBC)/49/KOB/2021 IN IN IBA/258/CB/2019

Learned counsel appearing for the applicant Ms.Divya Dinoop as well as learned Counsel for the Liquidator Shri Akhil Suresh appeared through VC.

This is an application filed under Section 42 of IBC 2016 seeking certain directions to the Liquidator.

Shri Akhil Suresh submitted that he has already received the copy of the application and hence sought time to file the Vakkalath and counter. Allowed. He may file the counter within two weeks. The applicant may file rejoinder, if any, within one week thereafter.

List on 01.09.2021 for hearing.

9 CA(IBC)/50/KOB/2021 IN IN IBA/258/CB/2019

Learned counsel appearing for the applicant Ms.Divya Dinoop as well as learned Counsel for the Liquidator Shri Akhil Suresh appeared through VC.

This is an application filed under Section 42 of IBC 2016 seeking certain directions to the Liquidator.

Shri Akhil Suresh submitted that he has already received the copy of the application and hence sought time to file the Vakkalath and counter. Allowed. He may file the counter within two weeks. The applicant may file rejoinder, if any, within one week thereafter.

List on 01.09.2021 for hearing.

10 CA(IBC)/51/KOB/2021 IN IN IBA/258/CB/2019

Learned counsel appearing for the applicant Ms.Divya Dinoop as well as learned Counsel for the Liquidator Shri Akhil Suresh appeared through VC.

This is an application filed under Section 42 of IBC 2016 seeking certain directions to the Liquidator.

Shri Akhil Suresh submitted that he has already received the copy of the application and hence sought time to file the Vakkalath and counter. Allowed. He may file the counter within two weeks. The applicant may file rejoinder, if any, within one week thereafter.

List on 01.09.2021 for hearing.

11 CA(IBC)/52/KOB/2021 IN IN IBA/258/CB/2019

Learned counsel appearing for the applicant Ms.Divya Dinoop as well as learned Counsel for the Liquidator Shri Akhil Suresh appeared through VC.

This is an application filed under Section 42 of IBC 2016 seeking certain directions to the Liquidator.

Shri Akhil Suresh submitted that he has already received the copy of the application and hence sought time to file the Vakkalath and counter. Allowed. He may file the counter within two weeks. The applicant may file rejoinder, if any, within one week thereafter.

List on 01.09.2021 for hearing.

12 CA(IBC)/53/KOB/2021 IN IN IBA/258/CB/2019

Learned counsel appearing for the applicant Ms.Divya Dinoop as well as learned Counsel for the Liquidator Shri Akhil Suresh appeared through VC.

This is an application filed under Section 42 of IBC 2016 seeking certain directions to the Liquidator.

Shri Akhil Suresh submitted that he has already received the copy of the application and hence sought time to file the Vakkalath and counter. Allowed. He may file the counter within two weeks. The applicant may file rejoinder, if any, within one week thereafter.

List on 01.09.2021 for hearing.

13 CA(IBC)/54/KOB/2021 IN IN IBA/258/CB/2019

Learned counsel appearing for the applicant Ms.Divya Dinoop as well as learned Counsel for the Liquidator Shri Akhil Suresh appeared through VC.

This is an application filed under Section 42 of IBC 2016 seeking certain directions to the Liquidator.

Shri Akhil Suresh submitted that he has already received the copy of the application and hence sought time to file the Vakkalath and counter. Allowed. He may file the counter within two weeks. The applicant may file rejoinder, if any, within one week thereafter.

List on 01.09.2021 for hearing.

14 CA(IBC)/55/KOB/2021 IN IN IBA/258/CB/2019

Learned counsel appearing for the applicant Ms.Divya Dinoop as well as learned Counsel for the Liquidator Shri Akhil Suresh appeared through VC.

This is an application filed under Section 42 of IBC 2016 seeking certain directions to the Liquidator.

Shri Akhil Suresh submitted that he has already received the copy of the application and hence sought time to file the Vakkalath and counter. Allowed. He may file the counter within two weeks. The applicant may file rejoinder, if any, within one week thereafter.

List on 01.09.2021 for hearing.

15 CA(IBC)/56/KOB/2021 IN IN IBA/258/CB/2019

Learned counsel appearing for the applicant Ms.Divya Dinoop as well as learned Counsel for the Liquidator Shri Akhil Suresh appeared through VC.

This is an application filed under Section 42 of IBC 2016 seeking certain directions to the Liquidator.

Shri Akhil Suresh submitted that he has already received the copy of the application and hence sought time to file the Vakkalath and counter. Allowed. He may file the counter within two weeks. The applicant may file rejoinder, if any, within one week thereafter.

List on 01.09.2021 for hearing.

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

Learned counsel for the Applicant/CD Shri V.K.Peer Mohammed Khan as well as learned counsel for the respondent/FC Smt. Uma Rani appeared through VC. None appeared for the IRP.

Shri Peer Mohammed Khan submitted that the stay order passed by the Hon'ble High Court of Kerala on 19.05.2021 still continues.

Smt. Uma Rani submitted that the CD has already paid the debt amount as OTS and the account has been closed.

List on 02.09.2021 for hearing.

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

Learned counsel for the Liquidator Shri Vinod PV appeared through VC. He submitted that he has filed another IA in this case, which has not been listed.

Registry is directed to list this CA as well as the IA said to be filed by the liquidator, if it is in order, on 02.09.2021.

18 REPORT/69/KOB/2021 IN MA/05/KOB/2020 IN TIBA/1/KOB/2019

Learned liquidator Shri Shawn Jeff Christopher appeared through VC.

This is a compliance report filed by the Liquidator in the matter of Liquidation Process of Achariya Techno Solutions (India) Pvt Ltd (CD).

Perused the Report. **Report is taken on record. Registry shall place it on record.**

19 MA/76/KOB/2020 IN IBA/240/(IB)/2019/CHENNAI BENCH with Memo

Learned Liquidator Shri Mahalingam Sureshkumar appeared through VC along with his learned counsel Shri A.G.Satyanarayana. The learned counsel for the Intervener in this matter Shri S. Easwaran submitted that his party has not been impleaded in this matter. This will be considered during the next posting date.

Adjourned to 26.08.2021.

20 IA/63/KOB/2020 IN IBA/240/2019/CB

Learned counsel for the Interveners Shri S. Easwaran appeared through VC. Learned liquidator Shri Mahalingam Suresh Kumar also appeared through VC along with his learned counsel Shri A.G.Satyanarayana.

Adjourned to 26.08.2021. List along with MA/76/KOB/2020.

21 IA(IBC)100/KOB/2021 IN IBA/25/KOB/2020

Learned counsel for the applicant Shri Diwakar Maheshwari as well as learned IRP Shri Sathiq Buhari appeared through VC.

Vide order dated 27.07.2021 the IRP was directed to submit the relevant extracts from books of accounts of the CD with an affidavit within a week serving an advance copy to the promoter as well as to the applicant. But the IRP has not complied our order till date. The IRP is directed to comply the aforesaid order within a week positively, failing which, law will take its own course.

List on 27.08.2021 for the compliance.

22 MA/25/KOB/2020 IN IBA/38/KOB/2019 with Memo

None appeared for the applicants. Learned counsel for R4 Shri Pranoy Harilal appeared through VC.

Vide order dated 20.04.2020 there was a direction to R4 to produce the original receipt of the deposits before this Tribunal. Registry reported that instead of the original receipt, R4 has only produced a copy of the receipt, which cannot be accepted. The learned counsel for R4 submitted that he is ready to submit the original receipt within a week.

Hence, R4 is directed to submit the original receipt of the deposit before the Registry within a week from today ie. on or before 13.08.2021, failing which, law will take its own course.

List on 17.08.2021.

23 IBA/11/KOB/2020

Learned counsel for the FC Shri Mohan Jacob George as well as learned counsel for the CD Shri Abraham Mathew appeared through VC.

Both counsel submitted that vide order dated 02.08.2021 in WP(C) 14634/2021 the Hon'ble High Court of Kerala has granted liberty to the CD to remit the graded instalments upto 31.08.2021 in terms of the compromise entered into between the parties with simple interest at the rate of 11.10% on or before 31.08.2021.

In view of the aforesaid Judgement of the Hon'ble High Court of Kerala, **let the matter be listed on 13.09.2021.**

24 IA/150/KOB/2020 IN TCP/22/KOB/2019

Learned counsel for the applicant Shri C.S.Ajith Prakash appeared through VC. Learned counsel for the NCLT appointed Chairman Shri Manuel Vivera, learned counsel for R1, R7, R10 and R11 Shri Sethunath, learned counsel for R2 & R6 Smt. Telma Raju, learned counsel for R8, R9, R12, R14, R15, R17 and R18 Smt Deepthi P appeared through VC.

Pleadings are complete.

List on 13.09.2021 for final hearing.

25 TCP/22/KOB/2019

Learned counsel for the applicant Shri C.S.Ajith Prakash appeared through VC. Learned counsel for the NCLT appointed Chairman Shri Manuel Vivera, learned counsel for R1, R7, R10 and R11 Shri Sethunath, learned counsel for R2 & R6 Smt. Telma Raju, learned counsel for R8, R9, R12, R14, R15, R17 and R18 Smt Deepthi P appeared through VC.

Shri Ajith Prakash submitted that the soft copy of the petition, which is voluminous, is under scanning and the same will be filed before the registry within two weeks. He may do so.

Pleadings are complete.

List on 13.09.2021 for final hearing. Both the parties may submit their brief written submissions (within 4-5) pages, two days before the above date.

26 IA/217/KOB/2020 IN TCP/26/KOB/2019 (CP/716/19)

Learned counsel for the applicant Shri Niranjan Sudheer as well as learned counsel for R1 to R6 Smt. Manjulla Devi appeared through VC.

List on 17.09.2021 for hearing.

27 CA(CA)/79/KOB/2021 IN TCP/26/KOB/2019 (CP/716/19)

Learned counsel for the applicant Smt. Manjulla Devi as well as learned counsel for R1 Shri Niranjan Sudheer appeared through VC.

List on 17.09.2021 for hearing.

28 TCP/26/KOB/2019 (CP/716/19)

Learned counsel for the applicant Shri Niranjan Sudheer as well as learned counsel for R1 to R6 Smt. Manjulla Devi appeared through VC.

List on 17.09.2021 for hearing

29 CA/13/KOB/2021

Learned counsel for the Applicants Shri Dinesh R. Shenoy appeared through VC. None appeared for the respondents.

Vide order dated 29.04.2021 the applicants were directed to produce the following documents in this matter:

- (i) Master Data of the Company
- (ii) Memorandum of Association and Articles of Association of the Company
- (iii) Latest Income Tax Return acknowledgement of the Company
- (iv) Financial Statements for the defaulted periods.

Shri Dinesh R. Shenoy submitted that the applicants are only the shareholders of the Company. Since they are not involved in the day-to-day affairs of the Company, they are unable to file items (iii) and (iv).

The reply filed by the ROC is on record.

The applicant is directed to issue fresh notice to Respondent Nos 2 to 7 through Registered Post with A/D / Speed post with A/D and submit proof of service (A/D card or Postal Track Report) with an affidavit before the next date of hearing. Registry is also directed to issue notice to the above respondents through email. Respondents are directed to file the counter attaching the latest Income Tax return acknowledgement of the Company and Financial Statements for the defaulted periods within 15 days with a copy served in advance to the Applicant. The Applicant may file the rejoinder, if any, within 7 days of receipt of reply from the Respondents.

List on **06.09.2021** for final hearing, on which date ROC is directed to appear in person through video conferencing.