

NCLT, KOCHI BENCH

Daily Orders – Draft

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

Date: 1st Feb 2021

1 MA/76/KOB/2020 IN IBA/240/(IB)/2019/CHENNAI BENCH

Learned Liquidator Shri A.G.Sathyanarayana as well as learned counsel for R2 Shri Shinu J Pillai appeared through VC. Orders pronounced. **MA/76/KOB/2020 IN IBA/240/(IB)/2019/CHENNAI BENCH is disposed of vide separate sheets.**

2 IA(IBC)/29/KOB/2021 IN IBA/16/KOB/2020

Learned counsel for the RP Shri Jasin Jose appeared through VC. This is an application filed by the RP under Section 12A of CIRP and under Section 30a (b) of CIRP Regulations. Heard the RP and perused the records. **IA(IBC)/29/KOB/2021 IN IBA/16/KOB/2020 is allowed vide separate sheets.**

3 IA(IBC)/30/KOB/2021 IN TIBA/03/KOB/2019

Learned counsel for the applicant Ms Jinnu Sara George as well as learned counsel for the RP Shri Vinod PV appeared through VC. This is an application filed by the applicant Shri Muraleedharan VN with the prayer to direct the Registry of this Bench to grant the applicant to inspect/furnish the copy of Resolution Plan filed in IA(IBC)/21/KOB/2021 in TIBA/03/KOB/2019 *before the approval of Resolution Plan by this Tribunal.*

It appears that the aforesaid Resolution Plan was approved by this Tribunal on 29.01.2021. Hence the prayer in this IA has become infructuous. If the applicant wants to obtain a copy of the approved Resolution Plan, he can submit proper application before the Registry by complying the procedure. **IA(IBC)/30/KOB/2021 IN TIBA/03/KOB/2019 stands dismissed as being infructuous.**

4 IA(IBC)/31/KOB/2021 IN IBA/258/2019/CB

None has appeared for the applicant through VC,. **List on 08.02.2021 at 2.30 pm for hearing** as connected matters are posted on that date.

5 **IA(IBC)/15/KOB/2021 IN IBC/35/KOB/2019**

Learned counsel for the Applicant Shri Amal Stanley as well as learned IRP Shri Sathiq Buhari appeared through VC. Heard both sides and perused the records. Orders pronounced. **IA(IBC)/15/KOB/2021 IN IBC/35/KOB/2019 is dismissed vide separate sheets.**

6 **IBA/25/KOB/2020**

Learned counsel for the FC Shri Leo George as well as learned counsel for the Corporate Debtor Shri Jithin Saji Issac appeared through VC. FC has already filed the rejoinder. Due to interruption in the network, it is difficult to hear the matter today. **Hence adjourned to 16.02.2021 at 2.30 pm for hearing.** Registry is directed to issue copy of this order to both the parties through email.

7 **TCP/50/KOB/2019**

Learned counsel for both the parties sought an adjournment through email. **Adjourned to 19.03.2021.**

8 **TCP/116/KOB/19**

Learned counsel for both the parties sought an adjournment through email. **Adjourned to 19.03.2021.**

9 **CP/23/KOB/2020**

Learned counsel for the petitioner Shri Sharan Shahier as well as learned counsel for R1 to R4 Shri Ratheesh PR appeared through VC. Learned counsel for R1 to R4 submitted that he has already filed the Counter through email and hard copy will be filed today. The petitioner may file the rejoinder, if any, within two weeks. **List on 16.03.2021 for hearing.** Registry is directed to issue copy of this order to both the parties through email.

10 **CP/55/KOB/2020**

Learned counsel for the Petitioner Shri Vinu Thomas as well as learned counsel for the R2 Shri John Vadassery appeared through VC. No representation for R1, R3 and R4. It appears from records that the Petitioner has submitted only the postal receipts and the proof of service (A/d Card or Postal Track record) with regard to the notice served to R1, R3 and R4 have not been produced. The petitioner is directed to submit the same within two weeks. Respondents are directed to file their counter within two weeks. The petitioner may file the rejoinder, if any, before the next date fixed. **List on 18.03.2021.**

11 **CA/14/KOB/2021 IN CA/109/KOB/2020**

Learned counsel for the Applicant Shri Cyriac Tom appeared through VC. This application is filed under Rule 11 of NCLT Rules for amendment of the Company Appeal. The appellant submitted that while the appeal was being prepared, the appellant was residing abroad and therefore, in Para 8 of the appeal, it was mentioned that the appellant was residing in Dubai. However, later, the appellant had landed in India on 10.11.2020 and therefore, she was available in India, at the time of signing the Appeal. Due to an oversight, the last line of Para 8 of the appeal which read as "Even Today, the Promotor 1, the appellants husband is undergoing judicial custody and the appellant is currently staying in Dubai" was typed.

Therefore, the appellant sought to omit the aforementioned sentence from the Appeal.

After hearing the learned counsel for the Applicant/Appellant and perusal of the records, I am of the view that there is sufficient ground to allow the application. Accordingly, this application filed for **amendment in the main CA is allowed**. The learned counsel is directed to make the necessary correction in the Appeal within two days. Registry is directed to issue copy of this order to the learned counsel for the applicant through email.

12 **CA/109/KOB/2020**

Since the application filed for amendment in this Appeal has been allowed and the report of ROC is on record, this **CA is Reserved for Orders. List the CA/109/KOB/2020 for pronouncement of orders on 19.02.2021**

13 **CA/11/KOB/2021 IN CA/110/KOB/2020**

Learned counsel for the Applicant Shri Cyriac Tom appeared through VC. This application is filed under Rule 11 of NCLT Rules for amendment of the Company Appeal. The appellant submitted that while the appeal was being prepared, the appellant was residing abroad and therefore, in Para 8 of the appeal, it was mentioned that the appellant was residing in Dubai. However, later, the appellant had landed in India on 10.11.2020 and therefore, she was available in India, at the time of signing the Appeal. Due to an oversight, the last line of Para 8 of the appeal which read as "Even Today, the Promotor 1, the appellants husband is undergoing judicial custody and the appellant is currently staying in Dubai" was typed.

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14 **CA/110/KOB/2020**

Since the application filed for amendment in this Appeal has been allowed and the report of ROC is on record, this **CA is Reserved for Orders. List the CA/110/KOB/2020 for pronouncement of orders on 19.02.2021**

15 CA/15/KOB/2021 IN CA/111/KOB/2020

Learned counsel for the Applicant Shri Cyriac Tom appeared through VC. This application is filed under Rule 11 of NCLT Rules for amendment of the Company Appeal. The appellant submitted that while the appeal was being prepared, the appellant was residing abroad and therefore, in Para 8 of the appeal, it was mentioned that the appellant was residing in Dubai. However, later, the appellant had landed in India on 10.11.2020 and therefore, she was available in India, at the time of signing the Appeal. Due to an oversight, the last line of Para 8 of the appeal which read as "Even Today, the Promotor 1, the appellants husband is undergoing judicial custody and the appellant is currently staying in Dubai" was typed.

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16 CA/111/KOB/2020

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17 CA/16/KOB/2021 IN CA/112/KOB/2020

Learned counsel for the Applicant Shri Cyriac Tom appeared through VC. This application is filed under Rule 11 of NCLT Rules for amendment of the Company Appeal. The appellant submitted that while the appeal was being prepared, the appellant was residing abroad and therefore, in Para 8 of the appeal, it was mentioned that the appellant was residing in Dubai. However, later, the appellant had landed in India on 10.11.2020 and therefore, she was available in India, at the time of signing the Appeal. Due to an oversight, the last line of Para 8 of the appeal which read as "Even Today, the Promotor 1, the appellants husband is undergoing judicial custody and the appellant is currently staying in Dubai" was typed.

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18 CA/112/KOB/2020

Since the application filed for amendment in this Appeal has been allowed and the report of ROC is on record, this **CA is Reserved for Orders. List the CA/112/KOB/2020 for pronouncement of orders on 19.02.2021**

19 CA/17/KOB/2021 IN CA/113/KOB/2020

Learned counsel for the Applicant Shri Cyriac Tom appeared through VC. This application is filed under Rule 11 of NCLT Rules for amendment of the Company Appeal. The appellant submitted that while the appeal was being prepared, the appellant was residing abroad and therefore, in Para 8 of the appeal, it was mentioned that the appellant was residing in Dubai. However, later, the appellant had landed in India on 10.11.2020 and therefore, she was available in India, at the time of signing the Appeal. Due to an oversight, the last line of Para 8 of the appeal which read as "Even Today, the Promotor 1, the appellants husband is undergoing judicial custody and the appellant is currently staying in Dubai" was typed.

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20 CA/113/KOB/2020

Since the application filed for amendment in this Appeal has been allowed and the report of ROC is on record, this **CA is Reserved for Orders. List the CA/113/KOB/2020 for pronouncement of orders on 19.02.2021**

21 CA/21/KOB/2021 IN CA/114/KOB/2020

Learned counsel for the Applicant Shri Cyriac Tom appeared through VC. This application is filed under Rule 11 of NCLT Rules for amendment of the Company Appeal. The appellant submitted that while the appeal was being prepared, the appellant was residing abroad and therefore, in Para 8 of the appeal, it was mentioned that the appellant was residing in Dubai. However, later, the appellant had landed in India on 10.11.2020 and therefore, she was available in India, at the time of signing the Appeal. Due to an oversight, the last line of Para 8 of the appeal which read as "Even Today, the Promotor 1, the appellants husband is undergoing judicial custody and the appellant is currently staying in Dubai" was typed.

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After hearing the learned counsel for the Applicant/Appellant and perusal of the records, I am of the view that there is sufficient ground to allow the application. Accordingly, this application filed for **amendment in the main CA is allowed**. The learned counsel is directed to make the necessary correction in the Appeal within two days. Registry is directed to issue copy of this order to the learned counsel for the applicant through email.

22 CA/114/KOB/2020

Since the application filed for amendment in this Appeal has been allowed and the report of ROC is on record, this **CA is Reserved for Orders. List the CA/114/KOB/2020 for pronouncement of orders on 19.02.2021**

23 CA/12/KOB/2021 IN CA/115/KOB/2020

Learned counsel for the Applicant Shri Cyriac Tom appeared through VC. This application is filed under Rule 11 of NCLT Rules for amendment of the Company Appeal. The appellant submitted that while the appeal was being prepared, the appellant was residing abroad and therefore, in Para 8 of the appeal, it was mentioned that the appellant was residing in Dubai. However, later, the appellant had landed in India on 10.11.2020 and therefore, she was available in India, at the time of signing the Appeal. Due to an oversight, the last line of Para 8 of the appeal which read as "Even Today, the Promotor 1, the appellants husband is undergoing judicial custody and the appellant is currently staying in Dubai" was typed.

Therefore, the appellant sought to omit the aforementioned sentence from the Appeal.

After hearing the learned counsel for the Applicant/Appellant and perusal of the records, I am of the view that there is sufficient ground to allow the application. Accordingly, this application filed for **amendment in the main CA is allowed**. The learned counsel is directed to make the necessary correction in the Appeal within two days. Registry is directed to issue copy of this order to the learned counsel for the applicant through email.

24 CA/115/KOB/2020

Since the application filed for amendment in this Appeal has been allowed and the report of ROC is on record, this **CA is Reserved for Orders. List the CA/115/KOB/2020 for pronouncement of orders on 22.02.2021**

25 CA/20/KOB/2021 IN CA/116/KOB/2020

Learned counsel for the Applicant Shri Cyriac Tom appeared through VC. This application is filed under Rule 11 of NCLT Rules for amendment of the Company Appeal. The appellant submitted that while the appeal was being prepared, the appellant was residing abroad and therefore, in Para 8 of the appeal, it was mentioned that the appellant was residing in Dubai. However, later, the appellant had landed in India on 10.11.2020 and therefore, she was available in India, at the time of signing the Appeal. Due to an oversight, the last line of Para 8 of the appeal which read as "Even Today, the Promotor 1, the appellants husband is undergoing judicial custody and the appellant is currently staying in Dubai" was typed.

Therefore, the appellant sought to omit the aforementioned sentence from the Appeal.

After hearing the learned counsel for the Applicant/Appellant and perusal of the records, I am of the view that there is sufficient ground to allow the application. Accordingly, this application filed for **amendment in the main CA is allowed**. The learned counsel is directed to make the necessary correction in the Appeal within two days. Registry is directed to issue copy of this order to the learned counsel for the applicant through email.

26 CA/116/KOB/2020

Since the application filed for amendment in this Appeal has been allowed and the report of ROC is on record, this **CA is Reserved for Orders. List the CA/116/KOB/2020 for pronouncement of orders on 22.02.2021**

27 CA/19/KOB/2021 IN CA/117/KOB/2020

Learned counsel for the Applicant Shri Cyriac Tom appeared through VC. This application is filed under Rule 11 of NCLT Rules for amendment of the Company Appeal. The appellant submitted that while the appeal was being prepared, the appellant was residing abroad and therefore, in Para 8 of the appeal, it was mentioned that the appellant was residing in Dubai. However, later, the appellant had landed in India on 10.11.2020 and therefore, she was available in India, at the time of signing the Appeal. Due to an oversight, the last line of Para 8 of the appeal which read as "Even Today, the Promotor 1, the appellants husband is undergoing judicial custody and the appellant is currently staying in Dubai" was typed.

Therefore, the appellant sought to omit the aforementioned sentence from the Appeal.

After hearing the learned counsel for the Applicant/Appellant and perusal of the records, I am of the view that there is sufficient ground to allow the application. Accordingly, this application filed for **amendment in the main CA is allowed**. The learned counsel is directed to make the necessary correction in the Appeal within two days. Registry is directed to issue copy of this order to the learned counsel for the applicant through email.

28 CA/117/KOB/2020

Since the application filed for amendment in this Appeal has been allowed and the report of ROC is on record, this **CA is Reserved for Orders. List the CA/117/KOB/2020 for pronouncement of orders on 22.02.2021**

29 CA/18/KOB/2021 IN CA/118/KOB/2020

Learned counsel for the Applicant Shri Cyriac Tom appeared through VC. This application is filed under Rule 11 of NCLT Rules for amendment of the Company Appeal. The appellant submitted that while the appeal was being prepared, the appellant was residing abroad and therefore, in Para 8 of the appeal, it was mentioned that the appellant was residing in Dubai. However, later, the appellant had landed in India on 10.11.2020 and therefore, she was available in India, at the time of signing the Appeal. Due to an oversight, the last line of Para 8 of the appeal which read as "Even Today, the Promotor 1, the appellants husband is undergoing judicial custody and the appellant is currently staying in Dubai" was typed.

Therefore, the appellant sought to omit the aforementioned sentence from the Appeal.

After hearing the learned counsel for the Applicant/Appellant and perusal of the records, I am of the view that there is sufficient ground to allow the application. Accordingly, this application filed for **amendment in the main CA is allowed**. The learned counsel is directed to make the necessary correction in the Appeal within two days. Registry is directed to issue copy of this order to the learned counsel for the applicant through email.

30 **CA/118/KOB/2020**

Since the application filed for amendment in this Appeal has been allowed and the report of ROC is on record, this **CA is Reserved for Orders. List the CA/118/KOB/2020 for pronouncement of orders on 22.02.2021**

31 **CA/13/KOB/2021 IN CA/119/KOB/2020**

Learned counsel for the Applicant Shri Cyriac Tom appeared through VC. This application is filed under Rule 11 of NCLT Rules for amendment of the Company Appeal. The appellant submitted that while the appeal was being prepared, the appellant was residing abroad and therefore, in Para 8 of the appeal, it was mentioned that the appellant was residing in Dubai. However, later, the appellant had landed in India on 10.11.2020 and therefore, she was available in India, at the time of signing the Appeal. Due to an oversight, the last line of Para 8 of the appeal which read as "Even Today, the Promotor 1, the appellants husband is undergoing judicial custody and the appellant is currently staying in Dubai" was typed.

Therefore, the appellant sought to omit the aforementioned sentence from the Appeal.

After hearing the learned counsel for the Applicant/Appellant and perusal of the records, I am of the view that there is sufficient ground to allow the application. Accordingly, this application filed for **amendment in the main CA is allowed**. The learned counsel is directed to make the necessary correction in the Appeal within two days. Registry is directed to issue copy of this order to the learned counsel for the applicant through email.

32 **CA/119/KOB/2020**

Since the application filed for amendment in this Appeal has been allowed and the report of ROC is on record, this **CA is Reserved for Orders. List the CA/119/KOB/2020 for pronouncement of orders on 22.02.2021**

33 **IA(IBC)/12/KOB/2021 IN TMA/42/KOB/19 (MA/ 450/IB/18(C.B.)) IN CP/689/IB/2017/(C.B.)**

Learned counsel for the Applicant/RP Ms Elavarasi D submitted an email seeking an adjournment stating that she is not in a position to make her submissions today. She also stated that she has checked availability of the counsel for Respondent and marked a copy of the email to him also. **Adjourned to 17.02.2021 at 2.30 pm for hearing. Registry is directed to issue copy of this order to the counsel for both the parties through email.**

34 **TMA/42/KOB/19 (MA/ 450/IB/18(C.B.)) IN CP/689/IB/2017/(C.B.)**

Learned counsel for the Applicant/RP Ms Elavarasi D submitted an email seeking an adjournment stating that she is not in a position to make her submissions today. She also stated that she has checked availability of the counsel for Respondent and marked a copy of the email to him also. **Adjourned to 17.02.2021 at 2.30 pm for hearing. Registry is directed to issue copy of this order to the counsel for both the parties through email.**