

NCLT, KOCHI BENCH

Daily Orders – Draft

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

Date: 1st March 2021

1 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 Applicants Shri S.R.Raghunathan as well as learned counsel for the RP Smt Elevarasi appeared through VC. Orders pronounced. **IA(IBC)/12/KOB/2021 IN TMA/42/KOB/19 (MA/ 450/IB/18(C.B.)) IN CP/689/IB/2017/(C.B.) stands dismissed vide separate sheets.**

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

Learned counsel for the Applicant/RP Smt Elevarasi as well as learned counsel for R2, R3 & R4 Shri Raghunathan appeared through VC. Orders pronounced. **TMA/42/KOB/19 (MA/ 450/IB/18(C.B.)) IN CP/689/IB/2017/(C.B.) stands dismissed vide separate sheets.**

3 CP/07/KOB/2020

Learned counsel for the Petitioner Shri Philip Mathew as well as learned counsel for the Respondents Smt Telma Raju appeared through VC. Orders pronounced. **CP/07/KOB/2020 is disposed of vide separate sheets.**

4 IA/196/KOB/2020 IN CP/40/KOB/2020

Learned counsel for the applicant Shri Renjith Rajappan as well as learned counsel for the R2 to R5 Shri Gokul RI appeared through VC. Orders pronounced. **IA/196/KOB/2020 IN CP/40/KOB/2020 is disposed of vide separate sheets.**

5 IA(IBC)/57/KOB/2021 IN IA/224/KOB/2020 IN IBA/49/KOB/2019

Learned counsel for the Applicant/RP Shri Vinod PV appeared through VC. Heard and perused the records. The application filed by the RP for rectification is allowed. **IA(IBC)/57/KOB/2021 IN IA/224/KOB/2020 IN IBA/49/KOB/2019 is disposed of vide separate order.**

6 IA(IBC)/32/KOB/2021 IN MA/9/(KOB)/19 IN CP(IB)/689/17(CHENNAI BENCH)

Learned counsel for the applicant Shri Ramalingam VA submitted an email seeking an adjournment. Learned counsel for the opposite parties Shri Akhil Suresh, Shri Ankit Tripathi and learned GP Shri Mohammed Fazil MP submitted an email stating willingness to appear through VC. Adjourned **to 23.03.2021.**

7 MA/141/KOB/2020 IN MA/33/KOB/2019 IN MA/12/KOB/2019 IN CP(IB)/91/CB/2018

Learned counsel for the applicant/liquidator Ms Merrin Thaliath as well as learned counsel for the CD Smt Sudhakshina appeared through VC. Heard both sides. Orders pronounced. **MA/141/KOB/2020 IN MA/33/KOB/2019 IN MA/12/KOB/2019 IN CP(IB)/91/CB/2018 stands disposed of vide separate sheets.**

8 IBA/11/KOB/2020

Learned counsel for the Financial Creditor Shri Mohan Jacob George appeared through VC. None has appeared for the CD. Vide order dated 5th Feb 2021 the parties were informed that this case cannot be prolonged and that no further adjournment will be granted. But it appears that no response from the CD even though the learned counsel for the FC submitted an email stating that he has received an email from the Respondent Company through its MD and he has no objection in considering his request for a short adjournment. However, no request has been made by the said Managing Director of the Corporate Debtor before this Tribunal for adjournment.

This is an IB case filed on 27.01.2020 under Section 7 of IBC by Federal Bank Ltd against the Corporate Debtor M/s. MIR Realtors Private Ltd. It appears that the matter was adjourned several times stating that the matter is under the final stage of settlement. But no settlement memo has been filed till date. CD has not yet filed the counter. This Tribunal cannot adjourn the matter indefinitely since this is an IB case. Since CD is absent without any valid reason, a further adjournment may be granted only on payment of costs. Hence the MD of CD is directed to pay costs of Rs.30,000/- (Rupees thirty thousand only) to the "PM Cares Fund" within one week from today and submit proof of payment before the next date of hearing. He is also directed to file counter, if any, well before the next date fixed.

Registry is directed to issue copy of this order to the MD of the CD M/s. MIR Realtors Private Ltd and also to the learned counsel for the FC through email. **List on 15.03.2021, on that day the matter will be considered and further orders passed.**

9 IA/146/KOB/2020 IN TCP/47/KOB/2019

Learned counsel for the applicant Shri Philip Mathew as well as learned counsel for the R1 to R3 Shri Sharad Kodianthara appeared through VC. The Administrator has also appeared through VC. The Administrator appointed by this Tribunal has submitted his Final Report stating that there are no prospects interested in taking over the Company nor any Promotor Director is interested in continuing the business. Perused thoroughly the Final Report of the Administrator and heard the counsel for both sides. **Reserved for orders. List for pronouncement of orders on 19.03.2021.**

10 TCP/47/KOB/2019

Learned counsel for the applicant Shri Philip Mathew as well as learned counsel for R1 to R3 Shri Sharad Kodianthara appeared through VC. List on **19.03.2021 for final hearing.**

11 TCP/54/KOB/2019 (TCP/108/16)

Learned counsel for the Petitioner Shri Mohan Pulickkal submitted an email seeking to post the case to a later date for physical hearing stating that the case consists of several volumes of pleadings as also several citations to be referred to and produced, which renders the case unsuitable for disposal through VC.

Learned counsel for R1 to R4 Smt Manjulla Devi appeared through VC. Vide order dated 11.03.2020 this Tribunal directed the respondents to produce the following documents in Original being maintained by the Respondent Company in the regular course of business within 15 days:

- i. Register of Members
- ii. Share Certificate Book
- iii. Directo's Attendance Register maintained under Article 64
- iv. Share Transfer Deed in respect to transfer of 5000 shares to the 34d Respondent on 24.08.2007.

Smt Manjulla Devi submitted that the above documents could not be submitted within the time stipulated due to Covid 19 Pandemic. She submitted that the respondents are ready to produce the Originals and certified copies of the above documents at any time before this Tribunal to enable the Petitioner for verification.

The Respondents may submit the above Original documents and its certified copies before this Registry on **30.04.2021 for inspection** of the Petitioner. The Petitioner is directed to be present before this Registry on 30.04.2021 for inspection of the aforesaid original documents. He can collect the certified copy of the documents, if

so desire. The Original Documents will be returned to the learned counsel for the Respondents after inspection.

It appears from records that pleadings are complete in this case. **List on 18.05.2021** for final hearing. Before that both the parties are directed to file their Argument brief (limiting 5/6 pages).

Registry is directed to issue copy of this order to the learned counsel of both the parties through email.

12 CP/30/KOB/2020

None has appeared for the Petitioner. Smt. Marian GM Tharakan, who appeared for the respondent submitted that she has filed the counter today. The Petitioner is directed to file his rejoinder, if any, within two weeks. **List on 08.04.2021 for final hearing.**

13 CA/23/KOB/2021 IN CP/21/KOB/2020

Learned counsel for the Applicant Shri Mohan Pulickkal appeared through VC. Learned counsel for R1 to R8 Shri Bijoy P. Pulipra, learned counsel for R9 Smt Sabeela CB, learned counsel for R10 to R15, R17 & R18 Shri V. Ajakumar, learned counsel for R16 & R24 Shri Saji Varghese, learned counsel for R19, R26 to R28 & R30 Shri Vinod V.; Luka and learned GP for R20 & R21 Shri Mohammed Fazil MP appeared through VC. None has appeared for R22 & R23.

Heard the learned counsel for the parties. **Reserved for orders. List for pronouncement of orders on 15.03.2021.**

14 CA/10/KOB/2021 IN CP/21/KOB/2020

Learned counsel for the Applicants Shri V. Ajakumar appeared through VC. Learned counsel for R1 to R8 Shri Bijoy P. Pulipra, learned counsel for R9 Smt Sabeela CB, learned counsel for R17 & 21 Shri Mohan Pulickkal, learned counsel for R10 & R16 Shri Saji Varghese, learned counsel for R11, R18 to R20 & R2 Shri Vinod V. Luka and learned GP for R12 & R13 Shri Mohammed Fazil MP appeared through VC. None has appeared for R14 & R15.

Some of the respondents have not yet filed their counter though they received notice long back. However, Shri Saji Varghese has prayed for at least two weeks time to file the counter. All those respondents, who have not yet filed the counter are directed to file the counter within two weeks positively, failing which law will take its own course. It is expected that both the parties will co-operate for early disposal of this case.

Registry is directed to issue copy of this order to the counsel of all the parties through email. **Adjourned to 05.04.2021.**

15 IA/226/KOB/2020 IN CP/21/KOB/2020

Learned counsel for the applicant Ms Sabeela CB appeared through VC. Learned counsel for R1 Shri Bijoy P Pulipra, learned counsel for R2 to R7, R9 & R10 Shri V. Ajakumar, learned counsel for R8 & R16 Shri Saji Varghese, learned counsel for R11, R18, R20 & R22 Shri Vinod Luka, learned GP for R12 & R13 Shri Mohamemd Fazil and learned counsel for R17 & R12 Shri Mohan Pulickkal appeared through VC. None has appeared for R14 & R15 Shri Ponnann Alex.

Some of the respondents have not yet filed their counter though they received notice long back. However, Shri Saji Varghese has prayed for at least two weeks time to file the counter. All those respondents, who have not yet filed the counter are directed to file the counter within two weeks positively, failing which law will take its own course. It is expected that both the parties will co-operate for early disposal of this case.

Registry is directed to issue copy of this order to the counsel of all the parties through email. **Adjourned to 05.04.2021.**

16 CP/21/KOB/2020

Learned counsel for the petitioners Shri Bijoy P. Pulipra, learned counsel for R1 Ms Sabeela CB, learned counsel for R2 to R7, R9 & R10 Shri V. Ajakumar, learned counsel for R8 & R16 Shri Saji Varghese, learned counsel for R11, R18 to R20 & R22 Shri Vinod V. Luka, learned GP for R12 & R13 Shri Mohammed Fazil and learned counsel for R17 & R21 Shri Mohan Pulickkal appeared through VC. None has appeared for R14 & R15.

Some of the respondents have not yet filed their counter though they received notice long back. However, Shri Saji Varghese has prayed for at least two weeks time to file the counter. All those respondents, who have not yet filed the counter are directed to file the counter within two weeks positively, failing which law will take its own course. It is expected that both the parties will co-operate for early disposal of this case.

Registry is directed to issue copy of this order to the counsel of all the parties through email. **Adjourned to 05.04.2021.**