

## ***NCLT, KOCHI BENCH***

### **Daily Orders – Draft**

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

Date: 11<sup>th</sup> Feb 2021

#### **1 CA/2/KOB/2021**

Learned counsel for the Appellant Shri Krishnakumar G appeared through VC. Orders pronounced. **CA/2/KOB/2021 is disposed of vide separate sheets.**

#### **2 CA/08/KOB/2021**

None has appeared for the Appellant. This is an Appeal filed by the Appellant for restoring the name of the Appellant Company in the Register of ROC. The documents submitted by the Appellant in his Appeal include the following:

- (i) Master Data
- (ii) Memorandum of Association and Articles of Association
- (iii) Latest Income Tax Return 2019-20
- (iv) Financial Statements for the year 2016-17, 2017-18 & 2018-19

ROC has already filed his report. I have perused the whole documents attached with the Appeal. **Admitted. Reserved for orders. List for pronouncement of orders on 16.02.2021.**

#### **3 IA(IBC)/41/KOB/2021 IN TIBA/25/KOB/2019**

Learned counsel for the Applicant/RP Shri Biju Varghese Abraham appeared through VC. This is an application filed by the RP under Section 12 of the IBC for extension of CIRP period by 60 days after completion of 180 days on 4<sup>th</sup> May, 2020 excluding the lock-down period effective from 25<sup>th</sup> March 2020 till further orders. The RP submitted that CIRP commenced on 7.11.2019 and ended on 4.5.2020. However, automatic extension of CIRP period has been granted by NCLAT vide its order dated 30<sup>th</sup> March 2020 till further orders.

Accordingly, the Applicant/RP prayed to extend the CIRP period by 60 days after completion of 180 days on 4<sup>th</sup> May, 2020 under Section 12(3) of IBC, 2016 excluding the lock down period effective from 25.3.2020 till further orders.

I have heard the learned counsel for the RP and also perused the records. The Hon'ble Supreme Court in *Suo Motu Writ Petition Civil No.3/2020* dated 23.03.2020 has ordered that a *"period of limitation in all such proceedings, irrespective of the limitation prescribed under the general law or special laws whether condonable or not shall stand extended w.e.f. 15<sup>th</sup> March 2020 till further orders to be passed by this Court in present proceedings."* It was also ordered that the said order is a binding order within the meaning of Article 141 on all Courts/Tribunals and authorities.

Considering the above, the prayer for excluding the period from 25<sup>th</sup> March 2020 till further orders from the CIR Process is allowed. However, the Resolution Professional is directed to complete the Corporate Insolvency Resolution Process within 60 days from this date, ie. on or before 13<sup>th</sup> April 2021. **IA(IBC)/41/KOB/2021 IN TIBA/25/KOB/2019 is disposed of accordingly.**

#### **4 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 R10 to R15, R17 & R18 Shri Ajakumar, learned counsel for R19, R26 to R28 and R30 Shri Vinod V. Luka, learned counsel for R9 Ms Sabeela CB and learned GP for R20 & R21 Shri Mohammed Fazil appeared through VC. No representation for other respondents. This is an application filed under Rule 32 read with Rule 11 of NCLT Rules, 2016 for impleading the applicant as Additional Respondent No.23 in the Company Petition No.21/KOB/2020 and all related interlocutory applications on file of this Tribunal.

Learned counsel for R1 to R8 vehemently opposed the application for impleadment stating that the application is not at all maintainable. He sought a weeks' time to file counter. Learned counsel for other respondents submitted that they have not received copy of this CA. Shri Mohan Pulickkal submitted that he will serve copy of CA to all respondents within a day or two.

R1 to R8 are directed to file their counter within a week with advance copy served to the learned counsel for the applicant. Other respondents may file counter, if they so desire, within a week. The Applicant may file his rejoinder, if any, before the next date fixed. List on **18.02.2021** for hearing.

#### **5 IBA/31/KOB/2020**

Learned counsel for the Operational Creditor Shri Aswin Gopakumar appeared through VC. Two Advocates, viz: Shri Rohan Patra and Smt Marian GM Tharakan appeared through VC for the Corporate Debtor. Counsel for the CD submitted that they will discuss internally and inform the Bench regarding who will argue for the CD in this case in the next date of hearing. When the Bench directed the learned counsel for the OC to proceed with his arguments, he stated that he has a case

before the Hon'ble High Court and prayed that the arguments of both the parties may put to another date. The learned counsel for CD also agreed to this request. List on **23.02.2021**. Before that date, both the parties may submit their Written Argument Brief (limited within 5 pages).

**6 IA/148/KOB/2020 IN IA/36/KOB/2020 IN TCP/14/KOB/2020**

Learned counsel for the applicants submitted an email stating willingness to appear through VC. Learned counsel for R1 to R6 Shri Isaac Thomas submitted an email seeking an adjournment stating that he had to urgently go out of station due to a personal commitment. Adjourned to **24.03.2021**.

**7 TCP/14/KOB/2020 (TCP/67/2016(CB))**

Learned counsel for the applicants submitted an email stating willingness to appear through VC. Learned counsel for R1 to R6 Shri Isaac Thomas submitted an email seeking an adjournment stating that he had to urgently go out of station due to a personal commitment. Adjourned to **24.03.2021**.

**8 CP/18/KOB/2020**

Learned counsel for the Petitioner Shri Jikku Seban George as well as learned counsel for R2 Shri Shameem Ahamed and learned counsel for R1, R3 and R5 Ms Neenu appeared through VC. None has appeared for R4 in spite of receipt of notice. **R4 is therefore set ex parte.** R2 filed the counter. Learned counsel for R2 submitted that he has not received the order of this Tribunal in IA/101/KOB/2020 and in IA/104/KOB/2020 as also those IAs. Petitioner is directed to serve a copy of the IAs as also orders in that to the Respondents immediately..

R1, R3 and R5 are directed to file their counter positively within two weeks. List on **30.03.2021**.

**9 IA/169/KOB/2020 IN CP/114/KOB/2019**

Learned Counsel for the Applicant Shri P. Sanjay appeared through VC. Learned counsel for R1 & R2 Shri Sherry Oommen and learned PCS for R3 Shri PP Zibi Jose appeared through VC.

**Heard both sides. Reserved for Orders. List for pronouncement of orders on 26.02.2021.**

10 CA/25/KOB/2021 IN IA/170/KOB/2020 IN CP/119/KOB/2019

Learned Counsel for the Applicant Shri P. Sanjay appeared through VC. Learned counsel for R1 & R2 Shri Sherry Oommen and learned PCS for R3 Shri PP Zibi Jose appeared through VC.

Heard both sides. Reserved for Orders. **List for pronouncement of orders on 26.02.2021.**

11 IA/170/KOB/2020 IN CP/119/KOB/2019

Learned Counsel for the Applicant Shri P. Sanjay appeared through VC. Learned counsel for R1 & R2 Shri Sherry Oommen and learned PCS for R3 Shri PP Zibi Jose appeared through VC.

Heard both sides. Reserved for Orders. **List for pronouncement of orders on 26.02.2021.**

12 CA/24/KOB/2021 IN IA/171/KOB/2020 IN CP/125/KOB/2019

Learned Counsel for the Applicant Shri P. Sanjay appeared through VC. Learned counsel for R1 & R2 Shri Sherry Oommen and learned PCS for R3 Shri PP Zibi Jose appeared through VC.

Heard both sides. Reserved for Orders. **List for pronouncement of orders on 26.02.2021.**

13 IA/171/KOB/2020 IN CP/125/KOB/2019

Learned Counsel for the Applicant Shri P. Sanjay appeared through VC. Learned counsel for R1 & R2 Shri Sherry Oommen and learned PCS for R3 Shri PP Zibi Jose appeared through VC.

Heard both sides. Reserved for Orders. **List for pronouncement of orders on 26.02.2021.**

14 CA/84/KOB/2020

Learned PCS for the applicant Shri PP Zibi Jose appeared through VC. Learned counsel for R1 Shri Sherry Oommen, learned counsel for R2, R3, R5 & R7 Shri Sukumar Oommen, learned counsel for R4 Shri Sanjap P and learned counsel for R6 Smt Lakshmi Seetharaman appeared through VC.

**Due to paucity of time, adjourned to 23.02.2021 for hearing.**