

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

### **Daily Orders – Draft**

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

**Date: 11<sup>th</sup> June 2021**

#### **1 CA/8/KOB/2021 IN TCP/7/KOB/19**

Learned counsel for the Applicant Shri C.K.Karunakaran as well as learned counsel for R3 Smt. Rama Smrithi appeared through VC. Orders pronounced. **CA/8/KOB/2021 IN TCP/7/KOB/19 is dismissed vide separate Order.**

#### **2 IA/151/KOB/2020 IN TCP/45/KOB/2019**

Learned counsel for the Applicant Shri Shameem Ahamed as well as learned counsel for R1, R3 & R5 Shri S. Easwar and learned counsel for R7 Shri Harikumar G. Nair appeared through VC. Orders pronounced. **IA/151/KOB/2020 IN TCP/45/KOB/2019 is disposed of.**

#### **3 TCP/45/KOB/2019**

Learned counsel for the Applicant Shri Shameem Ahamed as well as learned counsel for R1, R3 & R5 Shri S. Easwar and learned counsel for R7 Shri Harikumar G. Nair appeared through VC. Orders pronounced. **TCP/45/KOB/2019 is dismissed vide separate order.**

In the Bench of: **Shri Ashok Kumar Borah, Member (Judicial) &  
Shri Satya Ranjan Prasad, Member (Technical)**

#### **4 IA(IBC)/82/KOB/2021 IN TIBA/07/KOB/2019**

Learned liquidator Shri Jasin Jose appeared through VC.

This IA is filed under Section 31(3) by the Liquidator praying to allow him to accept the claims received from six more home buyers and to modify the entry in the list of stake holders filed before this Tribunal.

The liquidator submitted that pursuant to the public announcement made on 22.09.2020 he has received claim from financial creditors M/s. Federal Bank and 3 homebuyers and one claim from an Operational Creditor. He has verified the same and has prepared list of stakeholders based on the claim received within the prescribed time of 22.10.2020. The list of stake holders and creditors was filed on 09.12.2020. Further to that the liquidator has received six more claims from homebuyers as per the details given in the IA.

We have heard the liquidator and also perused the records. We have also gone through Section 31(3) of IBBI (Liquidation Process Regulation) 2016, which reads as follows:

- (1) *The liquidator shall prepare a list of stakeholders, categorywise on the basis of proofs of claims submitted and accepted under these Regulations with-*
  - (a) *The amounts of claim admitted, if applicable,*
  - (b) *The extent to which the debts or dues are secured or unsecured, if applicable,*
  - (c) *The details of the stakeholders, and*
  - (d) *The proofs admitted or rejected in part, and the proofs wholly rejected.*
- (2) *The liquidator shall file the list of stake holders with the Adjudicating Authority within forty-five days from the last date for receipt of claims, and the filing of the list shall be announced to the public in the manner specified in Regulation 12(3).*

In view of the above, **the liquidator is allowed to accept the claim of the six more homebuyers as mentioned in the IA and modify the entry in the list of stake holders. IA(IBC)/82/KOB/2021 IN TIBA/07/KOB/2019 is disposed of accordingly.**

#### **5 IA(IBC)/51/KOB/2021 IN MA/05/KOB/2020 IN TIBA/1/KOB/2019**

Learned liquidator Shri Shawn Jeff Christopher appeared through VC. Today neither Mr. Simod Sivan, learned counsel for Respondents 1&2 nor the respondents appeared. No counter filed even though time was granted for that purpose. The liquidator stated that the respondents are purposefully delaying the matter by not filing the counter. Hence he prayed to pass orders in the IA.

The respondents are given the last chance to file their counter before the next date fixed, in default law will take its own course. Since this is an IBC matter, the respondents may bear in mind that this case cannot be prolonged and **hence there shall be no further adjournment in this case. List on 18.06.2021.**

**Registry is directed to issue copy of this order to the learned counsel of R1 & R2 and also to the Liquidator through email.**

#### **6 CP(IB)/06/KOB/2021**

Learned counsel for the Financial Creditor Shri Vinod PV appeared through VC.

Vide order dated 21.04.2021 the CD was directed to file the counter within two weeks. But no counter has been filed till this date.

Registry reported that Adv Jolly John has submitted an email in this case stating as follows:

*"We have to file our vakkalath. Also the same claim is pending in Hon'ble High Court of Kerala".*

Advocate Jolly John is given the last opportunity to file the vakkalath and counter before the next date fixed positively, failing which law will take its own course.

**List on 25.06.2021.**

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