

NCLT, KOCHI BENCH

Daily Orders – Draft

Date: 11th August 2021

In the Bench of: **Shri Ashok Kumar Borah, Hon'ble Member (Judicial) & Shri Shyam Babu Gautam, Hon'ble Member (Technical)**

1 CP(IBC)/24/KOB/2021

Adv Shri Ratnako Banerji appeared through VC for the Operational Creditor. Adv Shri Pranoy Harilal appeared through VC and stated that he is appearing for the Corporate Debtor and that he will be filing the vakalath during the course of the day.

This is an application filed by the OC M/s. Navaeh Technology Pvt Ltd against the CD M/s. Kerala State Electronics Development Corporation Ltd under section 9 of IBC 2016 read with Rule 6 of IB(AAA) Rules 2016.

The Bench observed that there was a delay in filing this petition. Learned counsel for the Corporate Debtor stated that the operational creditor has not produced relevant documents. The learned counsel for the Operational Creditor stated that he will cure the defects and file an application for condonation of delay within a week. He may do so. **List on 03.09.2021 for further directions.**

2 CP(IBC)/25/KOB/2021

Learned counsel for the Operational Creditor Shri Pramod Kumar appeared through VC. Learned Adv Smt Telma Raju stated that she will be appearing for the Corporate Debtor and that the Vakalath will be filed during the course of the day. She sought time to file the counter. The CD is directed to file the **counter on or before 26.08.2021** and the OC may file the **rejoinder, if any, on or before 01.09.2021**. Both the parties may note that pleadings are to be completed before 06.09.2021.

List on 15.09.2021. Since this is an IBC matter, there will be no adjournment in this case.

3 CA(C/ACT)/82/KOB/2021 IN CP/30/KOB/2021

Learned counsel for the Petitioners Smt. Rema Smrithi V.K. appeared through VC. None appeared for the respondents.

Vide order dated 26.07.2021 the Petitioners were allowed to file an IA to implead ROC in this CP.

Accordingly, this IA has been filed under Rules 11 and 32 of the NCLT Rules, 2016 by the Petitioners to implead ROC as Respondent No.4 in CP/30/KOB/2021. We have gone through the pleadings and documents produced.

CA(C/ACT)/82/KOB/2021 IN CP/30/KOB/2021 stands allowed. Registry is directed to carry out the impleadment in the CP. The petitioner is directed to issue copy of CP to ROC and R4/ROC is directed file counter in the CP within a week.

Registry to issue a copy of this order to the ROC.

4 CA(C/ACT)/83/KOB/2021 IN TCP/47/KOB/2019

Learned counsel for the Liquidator Ms. Reetha D appeared through VC and stated that this Tribunal directed to post the connected CA/80/KOB/2021 alongwith this application on 2.9.2021. However, CA/80/KOB/2021 is wrongly listed today.

Hence list this CA on 02.09.2021 along with CA/80/KOB/2021.

5 IA(IBC)/111/KOB/2021 IN IBA/01/KOB/2020

Learned RP Shri Raju Palanilkunnathil Kesavan appeared through VC.

This is an IA filed by the RP under Section 60(5) of IBC, 2016 read with Regulation 40(c) of IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 with the prayer to exclude the period of 69 days from the CIR Process.

The RP submitted that 180 days of completion of CIRP has ended on 12.04.2021. However, this Tribunal extended the period of CIRP upto 11.07.2021 by allowing extension of 90 days vide order dated 22.04.2021.

The RP further stated that the CoC resolved with 100% voting rights in its meeting held on 08.07.2021 to seek the approval of this Tribunal for exclusion of lockdown period of 69 days from the time line of CIRP, ie from 08.05.2021 to 15.07.2021. Hence this IA.

Heard the RP and perused the records. The period of lock down from 08.05.2021 to 15.07.2021, ie. 69 days is hereby excluded from the period of CIR Process.

The RP is directed to complete the CIR process on or before 18.09.2021.

IA(IBC)/111/KOB/2021 IN IBA/01/KOB/2020 stands allowed as above.

6 MA/187/KOB/2020 IN IBA/34/KOB/2020

Learned counsel for the Applicant Shri Akhil Suresh as well as learned counsel for the Corporate Debtor Shri Sharad Kodianthara appeared through VC.

Both the parties submitted that there is a stay of all further proceedings in this IBA by the Hon'ble High Court of Kerala and that the said Writ Petition was finally heard by the Hon'ble High of Kerala on 29.06.2021 and orders reserved, but the orders are yet

to be pronounced. If the said Writ Petition is disposed of, the order in that Writ Petition should be produced by the applicant before this Tribunal.

In view of the above, list this matter on 4.10.2021 for hearing.

7 IBA/34/KOB/2020

Learned counsel for the Applicant Shri Akhil Suresh as well as learned counsel for the Corporate Debtor Shri Sharad Kodianthara appeared through VC.

Both the parties submitted that there is a stay of all further proceedings in this IBA by the Hon'ble High Court of Kerala and that the said Writ Petition was finally heard by the Hon'ble High of Kerala on 29.06.2021 and orders reserved, but the orders are yet to be pronounced. If the said Writ Petition is disposed of, the order in that Writ Petition should be produced by the applicant before this Tribunal.

In view of the above, list this matter on 4.10.2021 for hearing.

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

Both the parties appeared through VC.

Today the case is posted for hearing. **Since todays Bench is constituted as a special bench, this case is adjourned to 08.09.2021 for hearing (High on Board).**

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

Both the parties appeared through VC.

Today the case is posted for hearing. **Since todays Bench is constituted as a special bench, this case is adjourned to 08.09.2021 for hearing (High on Board).**

10 CA/36/KOB/2021 IN IA/198/KOB/2020 IN CP/21/KOB/2020

Both the parties appeared through VC.

Today the case is posted for hearing. **Since todays Bench is constituted as a special bench, this case is adjourned to 08.09.2021 for hearing (High on Board).**

11 CP/21/KOB/2020

Both the parties appeared through VC.

Today the case is posted for hearing. **Since todays Bench is constituted as a special bench, this case is adjourned to 08.09.2021 for hearing (High on Board).**

12 CP/22/KOB/2020

Shri Niranjana Sudheer appeared for the Petitioners through VC. Smt. Fiyona Johnson & Nikhil Narayanan, Advocates appeared through VC for R3 & R4. None appeared for R2.

R3 and R4 have already filed the counter.

The Petitioner is permitted to file the **rejoinder, if any, on or before 18.8.2021.**

List on 15.09.2021 for hearing.

13 CP/30/KOB/2020

Learned counsel for the Petitioner Shri Anil D. Nair as well as learned counsel for the Respondent Smt. Marian GM Tharakan appeared through VC.

Today the case is posted for hearing.

Since todays Bench is constituted as a special bench, list this matter on 02.09.2021 for hearing (High on Board).

14 CA/65/KOB/2021 IN CP/25/KOB/2021

Learned counsel for the applicant Shri Sajen Thampan as well as learned counsel for R2 & R3 Shri Akhil Suresh appeared through VC. None appeared for R4.

Even though sufficient time was granted, R2 to R4 have not yet filed the counter. During last posting date, it was made clear that no further time will be granted to them to file the counter. **Hence, their right to file the counter is hereby forfeited.**

Today the case is posted for final hearing.

Since todays Bench is constituted as a special bench, list this matter on 17.09.2021 for final hearing (High on Board).

15 CP/25/KOB/2021

Learned counsel for the applicant Shri Sajen Thampan as well as learned counsel for R2 & R3 Shri Akhil Suresh appeared through VC. None appeared for R4.

R1 was set exparte vide order dated 22.07.2021.

R2 & R3 have filed their counter. R4 neither appeared nor filed counter. Vide order dated 22.07.2021 the petitioner was directed to file rejoinder, if any, on or before 09.08.2021. **But the rejoinder has not yet been filed. Hence the pleadings are treated to be complete.**

List on 17.09.2021 for final hearing (High on Board).

16 CA/66/KOB/2021 IN CP/26/KOB/2021

Learned counsel for the applicant Shri Sajen Thampan as well as learned counsel for R2 & R3 Shri Akhil Suresh appeared through VC. None appeared for R4.

Even though sufficient time was granted, R2 to R4 have not yet filed the counter. During last posting date, it was made clear that no further time will be granted to them to file the counter. **Hence, their right to file the counter is hereby forfeited.**

Today the case is posted for final hearing.

Since todays Bench is constituted as a special bench, list this matter on 17.09.2021 for final hearing (High on Board).

17 CP/26/KOB/2021

Learned counsel for the applicant Shri Sajen Thampan as well as learned counsel for R2 & R3 Shri Akhil Suresh appeared through VC. None appeared for R4.

R1 was set exparte vide order dated 22.07.2021.

R2 & R3 have filed their counter. R4 neither appeared nor filed counter. Vide order dated 22.07.2021 the petitioner was directed to file rejoinder, if any, on or before 09.08.2021. **But the rejoinder has not yet been filed. Hence the pleadings are treated to be complete.**

List on 17.09.2021 for final hearing (High on Board).

Supplementary List

Item Nos. 1 to 37: (MA/31/KOB/2020 and connected matters:

Learned counsel for the applicants Mr. Ashok B Shenoy and the learned Liquidator Mr.Ravindra Chaturvedi along with his learned counsel Shri Akhil Suresh, appeared through VC. **Orders pronounced. M.As dismissed vide separate sheets.**

Item Nos. 38 to 62: (MA/79/KOB/2020 and connected matters:

Learned counsel for the applicants Mrs. Latha K and the learned Liquidator Mr.Ravindra Chaturvedi along with his learned counsel Shri Akhil Suresh, appeared through VC. **Orders pronounced. M.As dismissed vide separate sheets**