

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

### **Daily Orders – Draft**

**Date: 13<sup>th</sup> July 2021**

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

**1 IA(IBC)/27/KOB/2021 IN IBA/133/2019/CB**

Learned counsel for the Liquidator Shri Vinod PV as well as learned counsel for R1 to R3 Shri Krishnakumar G appeared through VC. Orders pronounced. **IA(IBC)/27/KOB/2021 IN IBA/133/2019/CB stands disposed of vide separate order.**

In the Bench of: **Shri Ashok Kumar Borah, Member (Judicial) &  
Shri Rajesh Sharma, Member (Technical)**

**1 CP(IBC)11/KOB/2021**

Learned Resolution Professional Shri Vinod PV appeared through VC.

This is an application filed by M/s Siemens Financial Services Pvt Ltd through the Resolution Professional against the Respondent/Personal Guarantor Shri C.V.Paulson under Section 95(1) of IBC 2016 read with Rule 7(2) of Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules 2019.

None appeared for the Respondent/Personal Guarantor.

The RP submitted that Demand Notice as well as copy of this CP(IBC) were duly served to the Respondent/Personal Guarantor.

The RP is directed to serve notice of hearing of this CP(IBC) to the Respondent/Personal Guarantor through Registered Post with A/D / Speed Post with A/D and submit proof of service (A/d card or Postal Track Report) with an affidavit before the next date of hearing. Registry is also directed to issue notice of hearing to the respondent/Personal Guarantor through email.

**List on 04.08.2021.**

## 2 CP(IBC)12/KOB/2021

Learned RP Shri Vinod PV appeared through VC.

This is an application filed by M/s Siemens Financial Services Pvt Ltd through the Resolution Professional against the Respondent/Personal Guarantor Mrs Smitha Ajith under Section 95(1) of IBC 2016 read with Rule 7(2) of Insolvency and Bankruptcy (Application to Adjudicating Authority for Insolvency Resolution Process for Personal Guarantors to Corporate Debtors) Rules 2019.

None appeared for the Respondent/Personal Guarantor.

The RP submitted that the Demand Notice as well as copy of this CP(IBC) were duly served to the Respondent/Personal Guarantor.

The RP is directed to serve notice of hearing of this CP(IBC) to the Respondent/Personal Guarantor through Registered Post with A/D / Speed Post with A/D and submit proof of service (A/d card or Postal Track Report) with an affidavit before the next date of hearing. Registry is also directed to issue notice of hearing to the respondent/Personal Guarantor through email.

**List on 04.08.2021.**

## 3 REPORT/53/KOB/2021 IN TIBA/31/KOB/2019 & TIBA/10/KOB/2019

Learned RP Shri PD Vincent appeared through VC.

This is a Progress Report filed by the RP to update the status of the CIRP Proceedings. The RP submitted that the stay order of NCLAT in this IBA is still continuing.

Perused the Report. **Report is taken on record.** Registry shall place it on record.

## 4 CA/44/KOB/2019

Learned counsel for the applicant Shri A.C.Venugopal appeared through VC. Learned counsel for the Administrator (R1) Shri Manuel Viverra, learned counsel for R2 & R3 Shri Ashok B. Shenoy and learned counsel for R4, R6-R9, R11, R13-R18 C.G.Preetha also appeared through VC.

Today this case is posted for hearing. However, the Registry of Mumbai Bench informed that soft copy of the files not received from this Registry. Henceforth, the Court Officer of this Registry is directed to ensure that the concerned case files are made available to Member (Technical) in advance. Registry is also directed to see that the files are sent properly to the Mumbai Bench without fail.

**List on 04.08.2021 for hearing. Before that date both the parties are directed to submit their written submissions (limiting within 4-5 pages).**

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

**5 IA/209/KOB/2020 IN CP/42/KOB/2020**

Learned counsel for the Applicant Shri Sunil Shankar appeared through VC. Learned counsel for R1 to R5 Shri A.N.Rajan Babu and learned GP for R6 & R7 Shri Muhammed Fazil also appeared through VC.

**Since the related matters are adjourned, let this IA be adjourned to 06.09.2021.**

**6 CP/42/KOB/2020**

Learned counsel for the Petitioner Shri Sunil Shankar appeared through VC. Learned counsel for R1 to R5 Shri A.N.Rajan Babu and learned GP for R6 & R7 Shri Muhammed Fazil also appeared through VC.

**Since the related matters are adjourned, let this IA be adjourned to 06.09.2021.**

**7 CP/50/KOB/2020**

Learned counsel for the Petitioner Shri Madhu Radhakrishnan appeared through VC. Learned counsel for R1 to R5 Shri A.N.Rajan Babu and learned GP for R6 & R7 Shri Muhammed Fazil also appeared through VC.

Vide order dated 30.04.2021 in CA/5/KOB/2021 IN CP/50/KOB/2020 the applicant was directed to file the amended CP serving copy to all the respondents, within two weeks. Shri Madhu Radhakrishnan submitted that he has already filed the soft copy of the Amended CP, but the hard copy has not yet been filed due to the lockdown travel restrictions. The Petitioner is directed to complete the filing formalities within a week. Respondents are at liberty to file their counter affidavit to the amended CP within four weeks from the date of receipt of the amended CP.

**List on 06.09.2021.**

**8 CA/26/KOB/2021 IN CP/51/KOB/2020**

Learned counsel for the Petitioner Shri Madhu Radhakrishnan appeared through VC. Learned counsel for R1 to R5 Shri A.N.Rajan Babu and learned GP for R6 & R7 Shri Muhammed Fazil also appeared through VC.

**Since the related matters are adjourned, let this IA be adjourned to 06.09.2021.**

**9 CA/6/KOB/2021 IN CP/51/KOB/2020**

Learned counsel for the Petitioner Shri Madhu Radhakrishnan appeared through VC. Learned counsel for R1 to R5 Shri A.N.Rajan Babu and learned GP for R6 & R7 Shri Muhammed Fazil also appeared through VC.

**Since the related matters are adjourned, let this IA be also adjourned to 06.09.2021.**

10 CP/51/KOB/2020

Learned counsel for the Petitioner Shri Madhu Radhakrishnan appeared through VC. Learned counsel for R1 to R5 Shri A.N.Rajan Babu and learned GP for R6 & R7 Shri Muhammed Fazil also appeared through VC.

Vide order dated 30.04.2021 in CA/4/KOB/2021 IN CP/51/KOB/2020 the applicant was directed to file the amended CP serving copy to all the respondents, within two weeks. Shri Madhu Radhakrishnan submitted that he has already filed the soft copy of the Amended CP but the hard copy has not yet been filed due to the lockdown travel restrictions. The Petitioner is directed to complete the filing formalities within a week. Respondents are at liberty to file their counter affidavit to the amended CP within four weeks from the date of receipt of the amended CP.

**List on 06.09.2021.**

11 IA/163/KOB/2020 IN CP/05/KOB/2020

Learned counsel for the Applicant Shri Sukumar Nainan Oommen as well as learned counsel for R1 & R2 Shri CA Anupaman appeared through VC.

Both the parties sought an adjournment.

**Adjourned to 07.09.2021.**

12 CA/22/KOB/2021 IN CP/05/KOB/2020

Learned counsel for the Applicant Shri Sukumar Nainan Oommen as well as learned counsel for R1 & R2 Shri CA Anupaman appeared through VC.

Both the parties sought an adjournment.

**Adjourned to 07.09.2021.**

13 CP/05/KOB/2020

Learned counsel for the Applicant Shri Sukumar Nainan Oommen as well as learned counsel for R1 & R2 Shri CA Anupaman appeared through VC.

Both the parties sought an adjournment.

**Adjourned to 07.09.2021.**

**14 CP/09/KOB/2020**

Advocate Shri Shaji appeared on behalf of the learned counsel for the Petitioner Shri Philip Mathew. None appeared for the Respondents.

Shri Shaji sought an adjournment to enable his senior to argue the case. Adjournment request is allowed.

Both the parties may bear in mind that there shall be no further adjournment in this case.

**List on 07.09.2021 for hearing.**

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

**15 IA/217/KOB/2020 IN TCP/26/KOB/2019 (CP/716/19)**

Learned counsel for the Petitioner Shri Aswin Gopakumar as well as learned counsel for R1 to R6 Smt. Manjulla Devi appeared through VC. This matter was previously heard by a single member Bench and listed as part heard today. Since the constitution of the Bench has been changed w.e.f 1.7.2021, this matter is to be heard again. **Hence, the matter is released from Part Heard.**

**List for hearing with the main TCP on 6.8.2021.**

**16 TCP/26/KOB/2019 (CP/716/19)**

Learned counsel for the Petitioner Shri Aswin Gopakumar as well as learned counsel for R1 to R6 Smt. Manjulla Devi appeared through VC. This matter was previously heard by a single member Bench and listed as part heard today. Since the constitution of the Bench has been changed w.e.f 1.7.2021, this matter is to be heard again. **Hence, the matter is released from Part Heard.**

When the matter was taken up for hearing today, learned counsel for the petitioner stated that the respondents have flouted the status quo order of this Tribunal and that they have filed a 50 Page petition today afternoon. Hence the learned counsel requires few days to go through and comment on it. For this purpose, he sought an adjournment. However, the learned counsel for the respondents opposed granting any further adjournment. Since the respondents filed another petition, the petitioner

is to be given a breathing time to go through the same. Hence adjournment request is allowed. **List the TCP for final hearing on 6.8.2021, making it clear that no further adjournment will be granted in this matter, as the matter pertains to the year 2019.**