

NCLT, KOCHI BENCH

Daily Orders – Draft

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

Date: 15th March 2021

1 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 Sidhartha Menon and learned GP for R20 & R21 Shri Mohammed Fazil MP also appeared through VC. Orders pronounced. **CA/23/KOB/2021 IN CP/21/KOB/2020 is disposed of vide separate order.**

2 MA/203/KOB/2020 IN TIBA/14/KOB/2019

Learned RP Shri Sasitaran Ramaswamy appeared through VC along with his learned counsel Shri Vinod PV. Learned counsel for the respondents Shri Sharad Kodianthara submitted an email seeking an adjournment stating that he has received the rejoinder from the petitioners only on Friday and intending to file an additional statement/sur-rejoinder to complete the pleadings.

Since this is an IBC matter, the parties may bear in mind that this case cannot be prolonged and **hence there shall be no further adjournment in this case.**

Adjourned to 29.03.2021, before that date, respondents may file their additional statement/sur-rejoinder, if any.

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

3 MA/204/KOB/2020 IN TIBA/14/KOB/2019

Learned RP Shri Sasitaran Ramaswamy appeared through VC along with his learned counsel Shri Vinod PV. Learned counsel for the respondents Shri Sharad Kodianthara submitted an email seeking an adjournment stating that he has received the rejoinder from the petitioners only on Friday and intending to file an additional statement/sur-rejoinder to complete the pleadings.

Since this is an IBC matter, the parties may bear in mind that this case cannot be prolonged and **hence there shall be no further adjournment in this case.**

List on 29.03.2021, before that date, respondents may file their additional statement/sur-rejoinder, if any.

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

4 IBA/11/KOB/2020

Learned counsel for the Financial Creditor Shri Mohan Jacob George as well as the Managing Director of the Corporate Debtor Shri Arun Kumar appeared through VC. Shri Arunkumar has submitted an email stating that a joint settlement letter has been signed with the Federal Bank (FC) on 12.03.2021. According to him, he has met all the requirements directed by the Bank including the first instalment of payment of Rs.28.7 lakhs and signed the joint settlement petition.

But the FC has not yet filed any settlement memo before this Bench.

Since this is an IBC matter, the parties may bear in mind that this case cannot be prolonged and **hence there shall be no further adjournment in this case.**

List on 19.04.2021. Before that date, we expect the Bank will file the final settlement memo.

5 CP(IB)/4/KOB/2021

Learned Counsel for the Operational Creditor Shri Nidhi Sam John appeared through VC. Advocate Midhuna KC filed vakalath and appeared for the Corporate Debtor. The CD is directed to file their counter within two weeks. The OC may file the rejoinder, if any, before the next date fixed. **List on 07.04.2021 for hearing.**

6 TCP/58/KOB/19 (TCP/235/17)

Learned counsel for the Petitioners Smt. Jayalakshmi appeared through VC. None has appeared for the respondents. Smt Manjula Devi submitted that the order passed by this Tribunal in TCP/57/KOB/2019 has been challenged before NCLAT and the same is listed on NCLAT on 25.03.2021. Hence, she prayed for an adjournment. **Adjourned to 29.04.2021.**

7 CP/35/KOB/2020

Learned counsel for the petitioner Shri Pradeep Joy appeared through VC. None has appeared for the respondents. Shri Pradeep Joy submitted that the Hon'ble High

Court of Kerala has stayed the order of this Tribunal dated 26.11.2020 in IA/178/KOB/2020 in CP/35/KOB/2020 and the case is posted before the Hon'ble High Court of Kerala on 25.03.2021. But registry reported that they have not yet received any such stay order. Learned counsel for the Petitioner is directed to file the copy of the Stay Order of the Hon'ble High Court of Kerala before the next date fixed. **List on 21.04.2021.**

8 CP/36/KOB/2020

Learned counsel for the Petitioner Shri B. Ashok Shenoy appeared through VC. Since the notice issued from this Registry was returned with the postal remarks "locked" and the petitioner was also failed to submit proof of service, vide order dated 11.12.2020 the petitioner was directed to issue paper publication in two newspapers, one in English and one in Malayalam, within ten days and submit proof of publication with an affidavit on or before 29.01.2021. However, Shri Ashok B Shenoy submitted that paper publication has not yet been done due to the poor financial position of the Petitioner and hence prayed some more time to serve the notice to the respondent through the normal procedure. The petitioner is directed to issue fresh notice to the respondent through Registered Post with A/D and submit proof of service (A/d card or Postal Track Report) with an affidavit before the next date fixed. The petitioner may note that paper publication will necessarily be required in the absence of serving of notice through normal procedure. **List on 21.04.2021.**

9 CA/09/KOB/2021

None has appeared for the Appellant. Report of the ROC has not yet been received. Registry is directed to issue a reminder notice to ROC through special messenger for his report. **List on 31.03.2021.**

10 TCP/81/KOB/2019

Learned counsel for the Petitioners Shri Philip Mathew as well as learned counsel for the respondents Shri T.K.Bhaskar appeared through VC. Argument heard in part. List for further arguments on **25.3.2021.**

11 TCA/29/KOB/19

Learned counsel for the Applicant Shri T.K.Bhaskar as well as learned counsel for R2 & R3 Shri Philip Mathew appeared through VC. Argument heard in part. List for further arguments on **25.3.2021.**

12 CP/92/KOB/2019

Learned counsel for the Petitioner Shri Anil D. Nair sought adjournment. Learned counsel for R1 to R8 Shri Pranoy Harilal submitted an email seeking an adjournment stating personal inconvenience to attend today. **Adjourned 19.04.2021 at 2.30 pm..**