

NCLT, KOCHI BENCH**Daily Orders – Draft**

Date: 16th August 2021

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

1 IA(IBC)/123/KOB/2021 IN IBA/04/KOB/2020

Learned counsel for the applicant/RP Shri K.Easwara Pillai appeared through VC.

This is an application filed by the RP seeking extension of the CIR Period by 90 days beyond 180 days with effect from 19.05.2021.

Heard the RP and perused the records.

IA(IBC)/123/KOB/2021 IN IBA/04/KOB/2020 stands disposed of vide separate sheets.

2 CP(IB)/07/KOB/2021

Learned counsel for the Operational Creditor Shri Riji Rajendran as well as learned counsel for the Corporate Debtor Shri Pranoy Harilal appeared through VC.

Both the parties submitted that the matter has already been settled and the **withdrawal petition** will be filed shortly.

List on 02.09.2021.

3 CA/31/KOB/2021 IN TCP/42/KOB/2019

Adv Shri S.V.Rajan appeared for the petitioners through VC. He submitted that the case has been entrusted to him by the petitioners, but the earlier counsel has not yet issued the NOC even after repeated Email correspondences. Meanwhile the earlier counsel for the petitioner Smt Manjula Devi representing Dr. K.S Ravichandran, appeared through VC and stated that the petitioner has not fulfilled the required formalities in regard to the relinquishment of vakalath like payment of the fee of the counsel, etc. Moreover, still the petitioner has not approached them in person for the relinquishment letter. She submitted that their firm have no objection in granting NOC to the petitioner, provided he approaches them personally.

Learned counsel for the Respondents 1 to 4 Shri Pranoy Harilal also appeared through VC.

The petitioner may settle the matter with their earlier counsel and submit NOC and vakalath of the present counsel, before the next date fixed.

List on 10.9.2021.

4 TIA/2/KOB/2019 (IA183/2019) IN TCP/42/KOB/2019

Adv Shri S.V.Rajan appeared for the petitioners through VC. Learned counsel for the Respondents 1 to 4 Shri Pranoy Harilal also appeared through VC.

List on 10.9.2021.

5 TCP/42/KOB/2019

Adv Shri S.V.Rajan appeared for the petitioners through VC. Learned counsel for the Respondents 1 to 4 Shri Pranoy Harilal also appeared through VC. The IA filed by the respondents is stated to be defective and the counsel has not taken steps to cure the defects. He may take steps to cure the defects within a week.

List on 10.9.2021.

6 TCP/54/KOB/2019 (TCP/108/16)

Learned counsel for the Petitioner Shri Mohan Pulickkal as well as learned counsel for R1 to R4 Smt Manjula Devi appeared through VC.

Vide order dated 11.03.2020 this Tribunal directed the respondents to produce the following documents in Original being maintained by the Respondent Company in the regular course of business within 15 days:

- i. Register of Members
- ii. Share Certificate Book
- iii. Directors' Attendance Register maintained under Article 64
- iv. Share Transfer Deed in respect to transfer of 5000 shares to the 3rd Respondent on 24.08.2007.

The respondents have produced certified copies of items (i), (ii) and (iii) mentioned above. The remaining item (iv) has not been produced.

The respondents are directed to produce item (iv) within two weeks. If the same could not be produced, an affidavit showing the reasons for non-production of the above documents shall be furnished.

List on 21.09.2021.

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

Learned counsel for the Petitioners Shri Mohan Pulickkal as well as learned counsel for R2 to R4 Shri Sharad Kodianthara appeared through VC.

Shri Mohan Pulickkal submitted that the share value is shown as Rs.1,150/- and Rs.1,900/- by different auditors. So, he wants to file objection against the report of the Auditors. He may do so within two weeks.

List on 22.09.2021. Since this is a very old pending case, there shall be no further adjournment in this case. Both the parties may submit their written submissions in brief (4-5 pages) two days before the above date.

8 IA/91/KOB/2020 IN CP/16/KOB/2020

Both the parties appeared through VC.

Shri Sherry Samuel Ommen submitted that his senior is engaged in another case at Calcutta High Court and hence prayed to post the matter after 23.09.2021.

Shri Philip Mathew has not raised any objection to adjourn the matter as prayed above.

List on 07.10.2021 for hearing.

9 IA/126/KOB/2020 IN CP/16/KOB/2020

Both the parties appeared through VC.

Shri Sherry Samuel Ommen submitted that his senior is engaged in another case at Calcutta High Court and hence prayed to post the matter after 23.09.2021.

Shri Philip Mathew has not raised any objection to adjourn the matter as prayed above.

List on 07.10.2021 for hearing.

10 IA/127/KOB/2020 IN CP/16/KOB/2020

Both the parties appeared through VC.

Shri Sherry Samuel Ommen submitted that his senior is engaged in another case at Calcutta High Court and hence prayed to post the matter after 23.09.2021.

Shri Philip Mathew has not raised any objection to adjourn the matter as prayed above.

List on 07.10.2021 for hearing.

11 **IA/128/KOB/2020 IN CP/16/KOB/2020**

Both the parties appeared through VC.

Shri Sherry Samuel Ommen submitted that his senior is engaged in another case at Calcutta High Court and hence prayed to post the matter after 23.09.2021.

Shri Philip Mathew has not raised any objection to adjourn the matter as prayed above.

List on 07.10.2021 for hearing.

12 **CONTEMPT PETITION/06/KOB/2020 IN CP/16/KOB/2020**

Both the parties appeared through VC.

Shri Sherry Samuel Ommen submitted that his senior is engaged in another case at Calcutta High Court and hence prayed to post the matter after 23.09.2021.

Shri Philip Mathew has not raised any objection to adjourn the matter as prayed above.

List on 07.10.2021 for hearing.

13 **CP/16/KOB/2020**

Both the parties appeared through VC.

Shri Sherry Samuel Ommen submitted that his senior is engaged in another case at Calcutta High Court and hence prayed to post the matter after 23.09.2021.

Shri Philip Mathew has not raised any objection to adjourn the matter as prayed above.

List on 07.10.2021 for hearing.

14 **CP/35/KOB/2020**

Learned counsel for the Petitioner Shri Pratap Pillai as well as learned counsel for the R3 to R6 Shri Alint Joseph appeared through VC.

The learned counsel for the petitioner filed a Memo attaching the stay order dated 5.1.2021 in WP(C) 227 of 2021 of the Hon'ble High Court of Kerala.

In view of the above, let the matter be adjourned **to 27.10.2021.**

15 CP/36/KOB/2020

Learned counsel for the petitioner's proxy counsel appeared through VC. It appears from records that in the hearing held on 21.04.2021 Advocate Ananthu represented the learned counsel for the respondent Shri C.S.Manu through VC. But none appeared for the Respondent in the hearing held on 12.07.2021 as well as today.

Registry reported that service of notice to the respondent has not been completed. It appears from records that even though one counsel appeared and stated that vakkalath and counter will be filed for the respondent, nothing has been filed on behalf of the respondent till date.

It is also noted that the petitioner has produced only the postal receipt, but there is no proof of receipt of notice by the respondent.

The petitioner is therefore directed to issue fresh notice to the respondent through Registered Post with AD and submit an affidavit with proof of service (AD card or Postal Track Report) within two weeks. If the petitioner could not serve notice, paper publication as ordered earlier is to be made and proof submitted before the next date fixed.

List on 23.09.2021.

16 CA(CA)/81/KOB/2021 IN CP/46/KOB/2020

Learned PCS for the applicant Shri Zibi Jose as well as learned Asst ROC Shri Ramesh appeared through VC.

This is an IA filed under Rule 32 and 153 read with Rule 11 of NCLT Rules, 2016 praying to enlarge the time mentioned in the Order of this Tribunal dated 27.04.2021 for submission of necessary documents before the ROC.

Heard both sides.

For the reasons stated in the CA and on hearing both sides, the prayer of the applicant in CA(CA)/81/KOB/2021 IN CP/46/KOB/2020 stands allowed. ROC is directed to accept the documents in question for further steps at their side.

17 CP/49/KOB/2020

Learned PCS for the petitioners Shri Vivek Kumar as well as learned counsel for R1 to R4 Shri Terry V. James appeared through VC.

Shri Terry V. James sought time to file a **reply to the rejoinder**. However the said **request is not accepted**.

Shri Vivek Kumar sought a direction from this Tribunal to maintain the status quo regarding the properties and shareholding pattern of the R1 Company apprehending that the respondents are trying to sell or lease out the property of the R1 Company.

Both the parties submitted that the Directors of R1 Company are disqualified by ROC. It is also noted that pleadings are complete in this case.

Since the Directors of the R1 Company are disqualified, any decision taken by them will have no legal entity and, therefore, the apprehension of the petitioners is unnecessary.

Hence list on 24.09.2021 for final hearing. Both the parties are directed to submit their written submissions in brief (within 4-5 pages) two days before the above date.

18 CP(C/ACT)/23/KOB/2021

Learned counsel for the petitioner Shri P.G.Jayashankar as well as learned PCS for R1 to R4 Shri Vivek Kumar appeared through VC.

Shri Jayashankar submitted that he has filed an IA in this case, but the same is not listed today. Registry to verify and list it, if it is in order.

List on 07.09.2021.

19 IA(C/ACT)/3/KOB/2021 IN CP(C/ACT)/27/KOB/2021

Learned counsel for the Applicants Shri Akhil Suresh as well as learned counsel for R2 Shri Mohit Khanna appeared through VC. Learned counsel for the respondent No.2 opposed the prayer in the IA to permit the petitioners to withdraw the petition with liberty. Heard both sides. **For the reasons stated in the IA, this application is allowed and the petitioners are permitted to withdraw CP(C/Act)/27/KOB/2021.**

20 CP(C/ACT)/27/KOB/2021

Learned counsel for the Petitioners Shri Akhil Suresh as well as learned counsel for R2 Shri Mohit Khanna appeared through VC. In view of the order in IA/C/Act)/3/KOB/2021, **the CP(C/ACT)/27/KOB/2021 stands withdrawn, vide separate sheets.**

21 CP(C/ACT)/29/KOB/2021

Learned counsel for the Petitioner Shri Philip Mathew as well as learned counsel for R1 to R3 Shri George A. Cherian and learned Asst ROC Shri Ramesh appeared through VC.

All the respondents filed their counter. Pleadings are complete. Heard both sides.

Reserved for orders. The date of pronouncement of orders will be intimated later.