

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

### **Daily Orders – Draft**

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

**Date: 16<sup>th</sup> Feb 2021**

**1 IA/206/KOB/2020 IN CP/41/KOB/2020**

Learned counsel for the Applicant Shri Sukumar Nainan Oommen as well as learned PCS for the Respondent Shri PP Zibi Jose appeared through VC. Orders pronounced. **IA/206/KOB/2020 IN CP/41/KOB/2020 is disposed of vide separate sheets.**

**2 CA/07/KOB/2021**

Learned counsel for the Appellant Ms Deepa Varghese appeared through VC. Orders pronounced. **CA/07/KOB/2021 is disposed of vide separate sheets.**

**3 CA/08/KOB/2021**

Learned counsel for the Appellant Ms Lakshmi Krishnadas appeared through VC. Orders pronounced. **CA/08/KOB/2021 is disposed of vide separate sheets.**

**4 CP(IB)/3/KOB/2021 WITH CAVEAT NO.19/KOB/2020**

Learned counsel for the Petitioner Ms Sreedevi S appeared through VC. Learned counsel for the Caveator Shri Nebil Nizar also appeared through VC. Shri Nebil Nizar submitted that the present IBA was found to be defective by the Registry of this Tribunal. The said defect was not cured by the Petitioner within the legally prescribed 7 days period under the proviso of Section 9(5) of IBC, 2016. In this connection Shri Nebil Nizar has produced copy of the Judgement of the Hon'ble Supreme Court in *Surendra Trading Company Vs. Juggilal Kamlapat Jute Mills* in Civil Appeal No.8400 of 2017. In para 25 of the said Judgement, it was held that ***"it can be laid down that if the objections are not removed within seven days, the applicant while refiling the application after removing the objections, file an application in writing showing sufficient cause as to why the applicant could not remove the objections within seven days"***.

It appears that this IBA was filed on 25.11.2020. But the defects in the IBA were cured and resubmitted only on 11.02.2021. I have heard both the parties. The applicant may file an IA within a week positively explaining the reasons for not curing the defects in the IBA within 7 days. **List on 10.03.2021.** Since the Caveator has been heard, **CAVEAT NO.19/KOB/2020 stands closed.**

**5 IA(IBC)/46/KOB/2021 IN IA(IBC)/13/KOB/2021 IN TIBA/11/KOB/2019**

Learned counsel for the Applicant Shri Sankar P. Panicker as well as learned RP Shri Bijoy P. Pulipra appeared through VC. This is an application filed by Dr.Vijay Radhakrishnan, who was working with the CD, under Section 60(5) of IBC 2016 and Rule 32 of the NCLT Rules, 2016 with the prayer to reject the Resolution Plan filed in the CIR Process. Learned RP has raised serious objections against this IA stating that the Resolution Plan submitted by the Resolution Applicant has already been approved by the CoC and the same is reserved for orders by this Tribunal on 22.02.2021. He further submitted that he will file the counter in this IA during the course of the day. He may do so. **List on 18.02.2021.**

**6 MA/141/KOB/2020 IN MA/33/KOB/2019 IN MA/12/KOB/2019 IN CP(IB)/91/CB/2018**

Learned counsel for the Applicant/Liquidator Ms Merin Thaliath as well as learned counsel for the CD Shri Akhil Suresh appeared through VC. Shri Akhil Suresh submitted that settlement talks are going on between the parties in this matter. So, he sought an adjournment. Pleadings are complete in this case. Learned counsel for the Liquidator has raised no objection in adjourning the case. **Adjourned to 01.03.2021.**

**7 IBA/22/KOB/2020**

Learned counsel for the Operational Creditor Shri Cimil C. Kottalil and Ashvin R. Patel appeared through VC. Shri Cimil submitted that paper publication in two newspapers, one in English and one in Malayalam, has already been done yesterday and filed an affidavit along with the copy of the paper publication through online. But hard copy of the affidavit has not yet been filed. He is directed to file the hard copy of the affidavit along with the copy of the paper publication within a day or two positively. **List on 02.03.2021 for hearing.** Registry is directed to issue copy of this order to the learned counsel of the Operational Creditor through email.

**8 IBA/23/KOB/2020**

Learned counsel for the Operational Creditor Shri Cimil C. Kottalil and Ashvin R. Patel appeared through VC. Shri Cimil submitted that paper publication in two newspapers, one in English and one in Malayalam, has already been done yesterday and filed an affidavit along with the copy of the paper publication through online. But hard copy of the affidavit has not yet been filed. He is directed to file the

hard copy of the affidavit along with the copy of the paper publication within a day or two positively. **List on 02.03.2021 for hearing.** Registry is directed to issue copy of this order to the learned counsel of the Operational Creditor through email.

9 CP/124/KOB/2019

No response from the petitioners. Leaned counsel for the respondents Shri Zibi Jose, PCS intimated his willingness to appear through VC. **Adjourned to 30.03.2021.**

10 IA/207/KOB/2020 IN CP/41/KOB/2020

Learned counsel for the Applicant Shri Sukumar Nainan Oommen as well as learned counsel for the Respondent Shri PP Zibi Jose appeared through VC. Since **IA/206/KOB/2020 IN CP/41/KOB/2020** has already been disposed of vide order dated 16.02.2021, this **IA/207/KOB/2020 IN CP/41/KOB/2020** has become infructuous and hence **dismissed vide separate order in CP/41/KOB/2020.**

11 CP/41/KOB/2020

Learned counsel for the Petitioner Shri PP Zibi Jose as well as learned counsel for the Respondent Shri Sukumar Nainan Oommen appeared through VC. Heard both sides. **CP/41/KOB/2020 is dismissed as withdrawn vide separate sheets.**

12 IA/162/KOB/2020 IN CA/78/KOB/2020

Learned counsel for the Applicant Shri Niranjan Sudheer as well as learned counsel for R1 and R2 Shri Nebil Nizar appeared through VC. This is an application for dispensation of Advertisement under Rule 35(6) of the NCLT Rules, 2016. Rule 35(6) of NCLT Rules, 2016 states as follows:

*The Tribunal may, if it thinks fit, and upon an application being made by the party, may dispense with any advertisement required to be published under this rule”.*

I have heard both the parties. Learned counsel for R1 & R2 Shri Nebil Nizar has raised no objection in this matter. Therefore, the prayer for dispensation of advertisement is allowed. Accordingly, **IA/162/KOB/2020 IN CA/78/KOB/2020 stands disposed of.**

13 CA/78/KOB/2020

Learned counsel for the Applicant Shri Niranjana Sudheer as well as learned counsel for R1 and R2 Shri Nebil Nizar appeared through VC. Even though counter has been filed, the same has not been served to the Applicant. Shri Nebil Nizar submitted that he will serve the copy of counter to the Applicant within a day or two. He may do so. The applicant may file his rejoinder, if any, before the next date fixed. **List on 03.03.2021 for hearing.**

14 **IBA/25/KOB/2020**

Learned counsel for the Financial Creditor Shri Leo George as well as learned counsel for the CD Shri Jithin Saji Issac appeared through VC. Arguments of the learned counsel for the financial creditor concluded. **List for further hearing as part heard on 26.2.2021 at 2.30 pm.** Learned counsel for the financial creditor is directed to produce the originals of Documents 2 to 5 & 8 annexed to the application. He is also directed to produce the document appended with the Rejoinder in page.12 before the next date fixed.

15 **TCP/81/KOB/2019**

Learned counsel for the Petitioner Shri Philip Mathew as well as learned counsel for the respondents Shri T.K.Bhaskar appeared through VC. Arguments of learned counsel for the respondents has been heard partly. List for further arguments on **23.02.2021 as part heard.**

16 **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. List **on 23.02.2021** along with TCP/81/KOB/2019.