

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

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

Date: 16th March 2021

1 MA/183/KOB/2020 IN TIBA/03/KOB/2019

Learned counsel for the applicants Ms Junnu Sara George appeared through VC. Learned Counsel for the RP Shri Vinod PV also appeared through VC. Orders Pronounced. **MA/183/KOB/2020 IN TIBA/03/KOB/2019** stands dismissed.

2 MA/185/KOB/2020 IN TIBA/03/KOB/2019

Learned counsel for the applicants Ms Junnu Sara George appeared through VC. Learned Counsel for the RP Shri Vinod PV also appeared through VC. Orders Pronounced. **MA/185/KOB/2020 IN TIBA/03/KOB/2019** stands dismissed.

3 MA/201/KOB/2020 IN TIBA/03/KOB/2019

Learned counsel for the applicants Ms Junnu Sara George appeared through VC. Learned Counsel for the RP Shri Vinod PV also appeared through VC. Orders Pronounced. **MA/201/KOB/2020 IN TIBA/03/KOB/2019** stands dismissed.

4 MA/208/KOB/2020 IN TIBA/03/KOB/2019

Learned counsel for the applicants Ms Junnu Sara George appeared through VC. Learned Counsel for the RP Shri Vinod PV also appeared through VC. Orders Pronounced. **MA/208/KOB/2020 IN TIBA/03/KOB/2019** stands dismissed.

5 IA(IBC)/4/2021 IN TIBA/3/KOB/2019

Learned counsel for the applicants Ms Junnu Sara George appeared through VC. Learned Counsel for the RP Shri Vinod P V also appeared through VC. Orders Pronounced. **IA(IBC)/4/2021 IN TIBA/3/KOB/2019** stands dismissed.

6 IA(IBC)/5/2021 IN TIBA/3/KOB/2019

Learned counsel for the applicants Ms Junnu Sara George appeared through VC. Learned Counsel for the RP Shri Vinod P V also appeared through VC. Orders Pronounced. **IA(IBC)/5/2021 IN TIBA/3/KOB/2019** stands dismissed.

7 IA(IBC)/6/2021 IN TIBA/3/KOB/2019

Learned counsel for the applicants Ms Junnu Sara George appeared through VC. Learned Counsel for the RP Shri Vinod P V also appeared through VC. Orders Pronounced. **IA(IBC)/6/2021 IN TIBA/3/KOB/2019** stands dismissed.

8 IA(IBC)/7/2021 IN TIBA/3/KOB/2019

Learned counsel for the applicants Ms Junnu Sara George appeared through VC. Learned Counsel for the RP Shri Vinod P V also appeared through VC. Orders Pronounced. **IA(IBC)/7/2021 IN TIBA/3/KOB/2019** stands dismissed.

9 IA(IBC)/8/2021 IN TIBA/3/KOB/2019

Learned counsel for the applicants Ms Junnu Sara George appeared through VC. Learned Counsel for the RP Shri Vinod P V also appeared through VC. Orders Pronounced. **IA(IBC)/8/2021 IN TIBA/3/KOB/2019** stands dismissed.

10 IA(IBC)/9/2021 IN TIBA/3/KOB/2019

Learned counsel for the applicants Ms Junnu Sara George appeared through VC. Learned Counsel for the RP Shri Vinod P V also appeared through VC. Orders Pronounced. **IA(IBC)/9/2021 IN TIBA/3/KOB/2019** stands dismissed.

11 IA(IBC)/10/2021 IN TIBA/3/KOB/2019

Learned counsel for the applicants Ms Junnu Sara George appeared through VC. Learned Counsel for the RP Shri Vinod P V also appeared through VC. Orders Pronounced. **IA(IBC)/10/2021 IN TIBA/3/KOB/2019** stands dismissed.

12 IA(IBC)/11/2021 IN TIBA/3/KOB/2019

Learned counsel for the applicants Ms Junnu Sara George appeared through VC. Learned Counsel for the RP Shri Vinod P V also appeared through VC. Orders Pronounced. **IA(IBC)/11/2021 IN TIBA/3/KOB/2019** stands dismissed.

13 IA(IBC)/61/KOB/2021 IN IA(IBC)/13/KOB/2021 IN TIBA/11/KOB/2019

Learned erstwhile RP Shri Bijoy Prabhakaran Pulipra appeared through VC. This IA is filed under Rule 154 of NCLT Rules, 2016 for rectification of Order passed in IA(IBC)/13/KOB/2021.

Heard and perused the records. The rectification of error (a) to (c) in the order dated 22.02.2021 is allowed. Registry is directed to carry out necessary corrections in the order dated 22.02.2021 in **IA(IBC)/13/KOB/2021 IN TIBA/11/KOB/2019** as sought for in the prayers (a) to (c) of this IA and issue a corrected certified copy of the order to the applicant. As regards to prayer (d) of the IA, it is clarified that "the Monitoring Committee can nominate any person from the Monitoring Committee in the matter of execution of deed of transfer/conveyance/settlement at the Jurisdictional Sub Registrar in the Kerala State or execution of similar documents for the effective implementation of the Resolution Plan". This direction will form a part of the order of this Tribunal approving the Resolution Plan in **IA(IBC)/13/KOB/2021 IN TIBA/11/KOB/2019**.

With the above, IA(IBC)/61/KOB/2021 IN IA(IBC)/13/KOB/2021 IN TIBA/11/KOB/2019 stands disposed of.

14 IA/23(KOB)/2020 IN TCP/49/KOB/19

None has appeared for the applicants. Learned counsel for R6 Shri Jazil Dev appeared through VC.

This is a very old pending case. It appears that pleadings are complete in the Main CP. Hence the question of maintainability raised in this IA will be considered along with the hearing of the main CP.

List on 21.04.2021 for final hearing.

15 TIA/130/KOB/2020 (CA/13/2009(CLB)) IN TCP/49/KOB/19

None has appeared for the Applicants. Learned counsel R9 Shri R. Padmaraj appeared through VC.

It appears that pleadings are complete in the Main CP. Hence this TIA will also be heard along with the main CP. **List on 21.04.2021 for final hearing.**

16 TCP/49/KOB/2019

None has appeared for the Applicants. This case was filed on 13.08.2007 before the Addl Principal Bench of Company Law Board, Chennai. Thereafter the case was transferred to NCLT, Chennai and then to NCLT, Kochi.

It appears from records that the petitioners have changed many advocates in this case. Even in the last date of hearing on 25.01.2021 Shri Cyriac Thomas, Advocate submitted an email stating that he is the Advocate for petitioner 1 and 3 in this CP and entrusted the matter to his junior Advocate Ms Maria to present in person before this Tribunal. But records show that Vakkalath has not been filed for the Petitioners till this date.

The Petitioner Shri T.C.Alexander has submitted a letter dated 15.03.2021 before the Registry stating that he is in search of a new Advocate to engage in this matter to represent before this Tribunal. He may do so within two weeks positively, failing which law will take its own course. The petitioners may note that this case cannot be prolonged indefinitely and **hence there shall be no further adjournment for engaging advocate.** Registry is also directed to issue copy of this order to both the parties and also to their available counsel through email.

Pleadings are complete. Hence, **list on 21.04.2021** for final hearing. The petitioners shall either appear through Advocate or in person (through video conference) on the next date fixed.

Before that date, both the parties may submit their Written Argument Brief (limiting 5/6 pages).

Registry to communicate this order to the petitioners through email.

17 IA/56/KOB/2020 IN TCP/61/KOB/2019

Learned counsel for the applicants Shri Cyriac Tom as well as learned counsel for the Respondents Ms Manjula Devi appeared through VC.

Ms Manjula Devi submitted that there is no settlement talk in progress in this matter at present. Hence, she prayed to post the matter for hearing.

It appears from records that pleadings are complete. Therefore, **list on 27.04.2021** for final hearing.

18 IA/57/KOB/2020 IN TCP/61/KOB/2019

Learned counsel for the applicants Shri Cyriac Tom as well as learned counsel for the Respondents Ms Manjula Devi appeared through VC.

Ms Manjula Devi submitted that there is no settlement talk in this matter at present. Hence, she prayed to post the matter for hearing.

It appears from records that pleadings are complete. Therefore, **list on 27.04.2021** for final hearing.

19 TCP/61/KOB/ 2019 (CP/531/2019)

Learned counsel for the Petitioners Shri Cyriac Tom as well as learned counsel for the Respondents Ms Manjilla Devi appeared through VC.

Ms Manjula Devi submitted that there is no settlement talk in this matter at present. Hence, she prayed to post the matter for hearing.

It appears from records that pleadings are complete. Therefore, **list on 27.04.2021** for final hearing. Before that date, both the parties may submit their Written Argument Brief (limiting 5/6 pages).

20 CP/23/KOB/2020

Learned counsel for the petitioner Shri Sharan Shahier as well as learned counsel for R1 to R4 Shri Ratheesh P.R. appeared through VC. Shri Sharan Shahier submitted **that he is not filing the rejoinder** and that he is ready for the hearing.

List on 9.04.2021 for final hearing. Before that date, both the parties may file their written argument brief (limiting 5/6 pages).

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

21 CP/31/KOB/2020

Learned counsel for the petitioners Shri Akhil Suresh as well as learned senior counsel for R2 to R6 Shri Joseph Kodianthara along with Shri Vijay V. Paul appeared through VC. Shri Akhil Suresh submitted that he wants to submit some documents before arguing the matter and hence sought an adjournment. However, learned senior counsel for the respondents vehemently opposed such an adjournment.

Since an interim order granted by this Tribunal on 28.09.2020 is in operation, this matter is to be disposed of immediately. **Hence list on 17.03.2021 at 2.30 pm** for hearing. The parties may note that no further adjournment will be granted in this matter. Registry is directed to issue copy of this order to the learned counsel of both the parties.

