

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

Date: 18<sup>th</sup> August 2021

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

**1 CP(IBC)/13/KOB/2021**

Learned counsel for the FC Shri Sunil Shankar appeared through VC. Adv Shri Akhil Suresh appeared through VC and stated that he has filed vakalat for the respondent.

This is an Application filed under Section 95 of Insolvency and Bankruptcy Code, 2016.

Vide order dated 30.07.2021 the FC was directed to file the application through the Resolution Professional within 10 days. But such an application has not been filed till date. He has stated that he is not filing the application through the Resolution Professional and that this Tribunal can appoint an RP from the IBBI list available for the period 1.7.2021 to 31.12.2021. This submission is recorded.

**List on 06.09.2021 for hearing.**

**2 CP(IBC)/14/KOB/2021**

Learned counsel for the FC Shri Sunil Shankar appeared through VC. Adv Shri Akhil Suresh appeared through VC and stated that the respondent is no more and that he will take steps to file the vakalath of the legal heirs of the respondent.

This is an Application filed under Section 95 of Insolvency and Bankruptcy Code, 2016.

Vide order dated 30.07.2021 the FC was directed to file the application through the Resolution Professional within 10 days. But such an application has not been filed till date. He has stated that he is not filing the application through the Resolution Professional and that this Tribunal can appoint an RP from the IBBI list available for the period 1.7.2021 to 31.12.2021. This submission is recorded.

**List on 06.09.2021 for hearing**

**3 CP(IBC)/15/KOB/2021**

Learned counsel for the FC Shri Sunil Shankar appeared through VC. Adv Shri Akhil Suresh appeared through VC and stated that he has filed vakalat for the respondent.

This is an Application filed under Section 95 of Insolvency and Bankruptcy Code, 2016.

Vide order dated 30.07.2021 the FC was directed to file the application through the Resolution Professional within 10 days. But such an application has not been filed till date. He has stated that he is not filing the application through the Resolution Professional and that this Tribunal can appoint an RP from the IBBI list available for the period 1.7.2021 to 31.12.2021. This submission is recorded.

**List on 06.09.2021 for hearing**

**4 CP(IBC)/16/KOB/2021**

Learned counsel for the FC Shri Sunil Shankar appeared through VC. Adv Shri Akhil Suresh appeared through VC and stated that he will file vakalath for the respondent..

This is an Application filed under Section 95 of Insolvency and Bankruptcy Code, 2016.

Vide order dated 30.07.2021 the FC was directed to file the application through the Resolution Professional within 10 days. But such an application has not been filed till date. He has stated that he is not filing the application through the Resolution Professional and that this Tribunal can appoint an RP from the IBBI list available for the period 1.7.2021 to 31.12.2021. This submission is recorded.

**List on 06.09.2021 for hearing**

**5 CP(IBC)/17/KOB/2021**

Learned counsel for the FC Shri Sunil Shankar appeared through VC. Adv Shri Akhil Suresh appeared through VC and stated that he will file vakalath for the respondent..

This is an Application filed under Section 95 of Insolvency and Bankruptcy Code, 2016.

Vide order dated 30.07.2021 the FC was directed to file the application through the Resolution Professional within 10 days. But such an application has not been filed till date. He has stated that he is not filing the application through the Resolution Professional and that this Tribunal can appoint an RP from the IBBI list available for the period 1.7.2021 to 31.12.2021. This submission is recorded.

**List on 06.09.2021 for hearing.**

#### 6 CP(IBC)/18/KOB/2021

Learned counsel for the FC Shri Sunil Shankar appeared through VC. Adv Shri Akhil Suresh appeared through VC and stated that he will file vakalath for the respondent..

This is an Application filed under Section 95 of Insolvency and Bankruptcy Code,2016.

Vide order dated 30.07.2021 the FC was directed to file the application through the Resolution Professional within 10 days. But such an application has not been filed till date. He has stated that he is not filing the application through the Resolution Professional and that this Tribunal can appoint an RP from the IBBI list available for the period 1.7.2021 to 31.12.2021. This submission is recorded.

**List on 06.09.2021 for hearing.**

#### 7 CP(IBC)/19/KOB/2021

Learned counsel for the FC Shri Sunil Shankar appeared through VC. Adv Shri Akhil Suresh appeared through VC and stated that he will file vakalath for the respondent..

This is an Application filed under Section 95 of Insolvency and Bankruptcy Code,2016.

Vide order dated 30.07.2021 the FC was directed to file the application through the Resolution Professional within 10 days. But such an application has not been filed till date. He has stated that he is not filing the application through the Resolution Professional and that this Tribunal can appoint an RP from the IBBI list available for the period 1.7.2021 to 31.12.2021. This submission is recorded.

**List on 06.09.2021 for hearing.**

#### 8 IA/50/KOB/2019 IN TCP/34/KOB/2019

Learned counsel for both the parties appeared through VC.

Today this case is posted for hearing. Since todays Bench is constituted as a Special Bench, let this matter be listed before the regular bench on **07.09.2021 for hearing.**

#### 9 IA/66/KOB/2020 IN TCP/34/KOB/2019

Learned counsel for both the parties appeared through VC.

Today this case is posted for hearing. Since todays Bench is constituted as a Special Bench, let this matter be listed before the regular bench on **07.09.2021 for hearing.**

10     **IA/67/KOB/2020 IN TCP/34/KOB/2019**

Learned counsel for both the parties appeared through VC.

Today this case is posted for hearing. Since today's Bench is constituted as a Special Bench, let this matter be listed before the regular bench on **07.09.2021 for hearing.**

11     **IA/204/KOB/2020 IN TCP/34/KOB/2019**

Learned counsel for both the parties appeared through VC.

Today this case is posted for hearing. Since today's Bench is constituted as a Special Bench, let this matter be listed before the regular bench on **07.09.2021 for hearing.**

12     **CA/9/KOB/2021 IN TCP/34/KOB/2019**

Learned counsel for both the parties appeared through VC.

Today this case is posted for hearing. Since today's Bench is constituted as a Special Bench, let this matter be listed before the regular bench on **07.09.2021 for hearing.**

13     **TCP/34/KOB/2019**

Learned counsel for both the parties appeared through VC.

Today this case is posted for hearing. Since today's Bench is constituted as a Special Bench, let this matter be listed before the regular bench on **07.09.2021 for hearing.**

14     **TIA/131/KOB/2020 (CA/228/CHENNAI BENCH) IN TCP/53/KOB/2019 (CP/33/2017/CHENNAI BENCH)**

Learned counsel for both the parties appeared through VC.

Today this case is posted for hearing. Since today's Bench is constituted as a Special Bench, let this matter be listed before the regular bench on **07.09.2021 for hearing.**

15 TCP/53/KOB/2019 (CP/33/17)

Learned counsel for both the parties appeared through VC.

Today this case is posted for hearing. Since today's Bench is constituted as a Special Bench, let this matter be listed before the regular bench on **07.09.2021 for hearing.**

16 CP/47/KOB/2020

Learned counsel for both the parties appeared through VC.

Today this case is posted for hearing. Since today's Bench is constituted as a Special Bench, let this matter be listed before the regular bench on **07.09.2021 for hearing.**

It is reported by the Registry that the present counsel for the petitioner has relinquished her vakalath. Shri Ranjith Rajappan submitted that he will file vakkalath for the petitioner in this case. He may do so within 2 weeks.

17 CP/48/KOB/2020

Learned counsel for both the parties appeared through VC.

Today this case is posted for hearing. Since today's Bench is constituted as a Special Bench, let this matter be listed before the regular bench on **07.09.2021 for hearing.**

It is reported by the Registry that the present counsel for the petitioner has relinquished her vakalath. Shri Ranjith Rajappan submitted that he will file vakkalath for the petitioner in this case. He may do so within 2 weeks.

18 CA/55/KOB/2020

Learned counsel for the Applicant Shri Bijoy P. Pulipra appeared through VC. None appeared for the respondents.

Today the case is posted for hearing. Since today's Bench is constituted as a Special Bench, let this matter be listed before the regular bench on **09.09.2021 for hearing as PART HEARD.**

19 CP/1/KOB/2021

Learned counsel for the Petitioner Shri John Vadassery as well as learned PCS for the Respondents Shri Ygindunath S appeared through VC.

Registry reported that the counter filed by the respondents is defective and the same was intimated to the learned counsel for the respondents on 14.07.2021. But the respondents have not yet taken any steps to rectify the defects. The respondents are directed to rectify the defects within a week in accordance with the rules, failing which their right to file the counter will be forfeited.

Shri John Vadassery submitted that the respondents are purposefully dragging the matter.

It appears that connected CP/54/KOB/2020 will be coming up for hearing on 31.08.2021. **Hence list this CP along with the aforesaid CP on 31.08.2021.**

## 20 CP/30/KOB/2021

Learned counsel for the Petitioners Smt. Rema Smrithi V.K. appeared through VC. Adv Shri Nebil Nizar appeared through VC and stated that he will be appearing for the respondents and he will file vakalath and sought time to file counter. Asst ROC Shri Ramesh also appeared through VC representing ROC/R4.

This CP has been filed by the Petitioner seeking 9 main reliefs along with 5 interim reliefs. Since the respondents have not yet filed their counter, the learned counsel for the petitioner insisted to grant interim reliefs.

We have heard the learned counsel for the petitioner and also perused the records attached with the Petition. Considering the materials on record, the respondents are directed to **maintain status quo as of today with regard to the shareholding pattern of the 1st Respondent Company until further orders.**

The Respondents are directed to file the counter on or before 02.09.2021 serving advance copy to the petitioner. The petitioner may file rejoinder, if any, on or before 15.09.2021.

**List on 24.09.2021 for hearing.**

## 21 IA(C/ACT)/1/KOB/2021 IN CP/31/KOB/2021

Learned counsel for the Applicant Shri Sandeep Kumar as well as learned counsel for R1 to R3 Shri V.V.Sidharth appeared through VC. Asst ROC Shri Ramesh also appeared through VC representing ROC/R4.

Vide order dated 26.07.2021 the Petitioner was allowed to file an IA to implead ROC in this CP. Accordingly, this IA has been filed by the applicant/petitioner under Rule 32 of NCLT Rules, 2016 to implead ROC as Respondent No.4 in CP/31/KOB/2021. We have gone through the pleadings and documents produced. Learned Asst.ROC stated that he has no objection in impleading the ROC in this matter.

**IA(C/ACT)/1/KOB/2021 IN CP/31/KOB/2021 stands allowed. Registry is directed to carry out the impleadment in the CP. The petitioner is directed to issue copy of CP to ROC and R4/ROC is directed to file counter in the CP within two weeks.**

**Registry is directed to issue a copy of this order to ROC. List on 24.09.2021.**

22 CP/31/KOB/2021

Learned counsel for the Applicant Shri Sandeep Kumar as well as learned counsel for R1 to R3 Shri VV.Sidharth appeared through VC. Asst ROC Shri Ramesh also appeared through VC representing ROC/R4.

R1 to R3 filed the Counter on 17.08.2021. The petitioner sought time to file the rejoinder. Allowed. He may file the rejoinder within two weeks.

Meanwhile the learned counsel for the petitioner sought direction to the respondents to maintain status quo in the R1 Company.

Heard both sides. Since today's Bench is constituted as a Special Bench, let this matter be listed before the regular bench on **24.09.2021 for hearing. Before that date if anything happens against the interests of the Petitioner, he will be at liberty to file appropriate application.**