

NCLT, KOCHI BENCH

Daily Orders – Draft

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

Date: 18th Jan 2021

1 CA/121/KOB/2020

Learned counsel for the Appellant Shri Nikhil Goerge Pinto appeared through VC. Orders pronounced. **CA/121 /KOOB/2020 is disposed of vide separate order.**

2 CAVEAT NO.1/KOB/2021 IN TIBA/11/KOB/2019 in Connection with IBA/28/KOB/2019

Learned counsel for the Caveator Shri Sankar P. Panicker as well as learned RP Shri Bijoy Prabhakaran Pulipra appeared through VC. This is a Caveat filed in IA/73/KOB/2019 in TIBA/11/KOB/2019 by a doctor by profession who was a consultant doctor of Corporate Debtor. It appears from records that the said IA/73/KOB/2019 in TIBA/11/KOB/2019 has already been disposed of by this Tribunal. **Hence this CAVEAT NO.1/KOB/2021 IN IA/73/KOB/2019 in TIBA/11/KOB/2019 connected with IBA/28/KOB/2019 has become infructuous and hence dismissed.**

3 CAVEAT NO.2/KOB/2021 IN TIBA/11/KOB/2019 in Connection with IBA/28/KOB/2019

None has appeared for the Caveator. Learned RP Shri Bijoy Prabhakaran Pulipra appeared through VC. This is a Caveat filed under Rule 25 of NCLT Rules 2016 by the suspended Managing Director of the Corporate Debtor against the Resolution Professional. The Resolution Professional is directed to serve a copy of the IA(IBC)/13/2021 to the Caveator immediately. **CAVEAT NO.2/KOB/2021 IN TIBA/11/KOB/2019 in Connection with IBA/28/KOB/2019 is disposed of accordingly.**

4 IA(IBC)/13/2021 IN TIBA/11/KOB/2019 in Connection with IBA/28/KOB/2019

Learned RP Shri Bijoy Prabhakaran Pulipra appeared through VC. This is an application filed by the Resolution Professional under Section 30 & 31 of the IBC, 2016 read with Regulation 39 of IBBI (insolvency Resolution Process for Corporate Persons) Regulations, 2016 for approval of the Resolution Plan. Since we have decided to hear the Caveator, **list the IA on 28.01.2021.**

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

Learned counsel for the applicant Ms Jinnu Sara George as well as learned counsel for the RP Shri Vinod PV appeared through VC. This is an application filed under Section 60(5) read with Sections 25, 47 of IBC, 2016. The applicants are the retirees from the CD, who served the Company for more than 30 years. The applicants have sought 7 reliefs and 3 interim reliefs, which include a direction to the RP to disburse the amount pertaining to Pension, Gratuity and Provident Fund along with statutory interest, till the date of actual payment. Learned counsel for the RP submitted that he will file a counter, covering all the contentions raised, within a week. He may do so. The Applicants may file their rejoinder, if any, before the next date fixed. **List on 10.02.2021 for hearing.**

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

Learned counsel for the applicant Ms Jinnu Sara George as well as learned counsel for the RP Shri Vinod PV appeared through VC. This is an application filed under Section 60(5) read with Sections 25, 47 of IBC, 2016. The applicants are the retirees from the CD, who served the Company for more than 30 years. The applicants have sought 7 reliefs and 3 interim reliefs, which include a direction to the RP to disburse the amount pertaining to Pension, Gratuity and Provident Fund along with statutory interest, till the date of actual payment. Learned counsel for the RP submitted that he will file a counter, covering all the contentions raised, within a week. He may do so. The Applicants may file their rejoinder, if any, before the next date fixed. **List on 10.02.2021 for hearing.**

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

Learned counsel for the applicant Ms Jinnu Sara George as well as learned counsel for the RP Shri Vinod PV appeared through VC. This is an application filed under Section 60(5) read with Sections 25, 47 of IBC, 2016. The applicants are the retirees from the CD, who served the Company for more than 30 years. The applicants have sought 7 reliefs and 3 interim reliefs, which include a direction to the RP to disburse the amount pertaining to Pension, Gratuity and Provident Fund along with statutory interest, till the date of actual payment. Learned counsel for the RP submitted that he will file a counter, covering all the contentions raised, within a week. He may do so. The Applicants may file their rejoinder, if any, before the next date fixed. **List on 10.02.2021 for hearing.**

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

Learned counsel for the applicant Ms Jinnu Sara George as well as learned counsel for the RP Shri Vinod PV appeared through VC. This is an application filed under Section 60(5) read with Sections 25, 47 of IBC, 2016. The applicants are the retirees from the CD, who served the Company for more than 30 years. The applicants have sought 7 reliefs and 3 interim reliefs, which include a direction to the RP to disburse the amount pertaining to Pension, Gratuity and Provident Fund along with statutory interest, till the date of actual payment. Learned counsel for the RP submitted that he will file a counter, covering all the contentions raised, within a week. He may do so. The Applicants may file their rejoinder, if any, before the next date fixed. **List on 10.02.2021 for hearing.**

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

Learned counsel for the applicant Ms Jinnu Sara George as well as learned counsel for the RP Shri Vinod PV appeared through VC. This is an application filed under Section 60(5) read with Sections 25, 47 of IBC, 2016. The applicants are the retirees from the CD, who served the Company for more than 30 years. The applicants have sought 7 reliefs and 3 interim reliefs, which include a direction to the RP to disburse the amount pertaining to Pension, Gratuity and Provident Fund along with statutory interest, till the date of actual payment. Learned counsel for the RP submitted that he will file a counter, covering all the contentions raised, within a week. He may do so. The Applicants may file their rejoinder, if any, before the next date fixed. **List on 10.02.2021 for hearing.**

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

Learned counsel for the applicant Ms Jinnu Sara George as well as learned counsel for the RP Shri Vinod PV appeared through VC. This is an application filed under Section 60(5) read with Sections 25, 47 of IBC, 2016. The applicants are the retirees from the CD, who served the Company for more than 30 years. The applicants have sought 7 reliefs and 3 interim reliefs, which include a direction to the RP to disburse the amount pertaining to Pension, Gratuity and Provident Fund along with statutory interest, till the date of actual payment. Learned counsel for the RP submitted that he will file a counter, covering all the contentions raised, within a week. He may do so. The Applicants may file their rejoinder, if any, before the next date fixed. **List on 10.02.2021 for hearing.**

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

Learned counsel for the applicant Ms Jinnu Sara George as well as learned counsel for the RP Shri Vinod PV appeared through VC. This is an application filed under Section 60(5) read with Sections 25, 47 of IBC, 2016. The applicants are the retirees from the CD, who served the Company for more than 30 years. The applicants have sought 7 reliefs and 3 interim reliefs, which include a direction to the RP to disburse the amount pertaining to Pension, Gratuity and Provident Fund along with statutory interest, till the date of actual payment. Learned counsel for the RP submitted that he will file a counter, covering all the contentions raised, within a week. He may do so. The Applicants may file their rejoinder, if any, before the next date fixed. **List on 10.02.2021 for hearing.**

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

Learned counsel for the applicant Ms Jinnu Sara George as well as learned counsel for the RP Shri Vinod PV appeared through VC. This is an application filed under Section 60(5) read with Sections 25, 47 of IBC, 2016. The applicants are the retirees from the CD, who served the Company for more than 30 years. The applicants have sought 7 reliefs and 3 interim reliefs, which include a direction to the RP to disburse the amount pertaining to Pension, Gratuity and Provident Fund along with statutory interest, till the date of actual payment. Learned counsel for the RP submitted that he will file a counter, covering all the contentions raised, within a week. He may do so. The Applicants may file their rejoinder, if any, before the next date fixed. **List on 10.02.2021 for hearing.**

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

Learned counsel for the applicants Ms Jinnu Sara George as well as learned counsel for the RP Shri Vinod PV appeared through VC. This is an application filed under Section 60(5) read with Sections 25, 47 of IBC, 2016. The applicants are the Contractors, who stands as the Operational Creditors to the Corporate Debtor Company. Learned counsel for the RP submitted that he has already filed counter through E-filing and hard copy will be filed within a day or two. Learned counsel for the Applicants submitted that she wants to file rejoinder. She may do so within a week. **List on 10.02.2021.** 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.**

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

Learned counsel for the applicants Ms Jinnu Sara George as well as learned counsel for the RP Shri Vinod PV appeared through VC. This is an application filed under Section 60(5) read with Sections 25, 47 of IBC, 2016. The applicants are the Contractors, who stands as the Operational Creditors to the Corporate Debtor Company. Learned counsel for the RP submitted that he has already filed counter through E-filing and hard copy will be filed within a day or two. Learned counsel for the Applicants submitted that she wants to file rejoinder. She may do so within a week. **List on 10.02.2021.** 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.**

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

Learned counsel for the applicant Ms Jinnu Sara George as well as learned counsel for the RP Shri Vinod PV appeared through VC. This is an application filed under Section 60(5) read with Sections 25, 47 of IBC, 2016. The applicants are the retirees from the CD, who served the Company for more than 30 years. The applicants have sought 7 reliefs and 3 interim reliefs, which include a direction to the RP to disburse the amount pertaining to Pension, Gratuity and Provident Fund along with statutory interest, till the date of actual payment. Learned counsel for the RP submitted that he has already filed counter through E-filing and hard copy will be filed within a day or two. Learned counsel for the Applicants submitted that she wants to file rejoinder. She may do so within a week. **List on 10.02.2021.** 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.**

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

Learned counsel for the applicant Ms Jinnu Sara George as well as learned counsel for the RP Shri Vinod PV appeared through VC. This is an application filed under Section 60(5) read with Sections 25, 47 of IBC, 2016. The applicants are the retirees from the CD, who served the Company for more than 30 years. The applicants have sought 7 reliefs and 3 interim reliefs, which include a direction to the RP to disburse the amount pertaining to Pension, Gratuity and Provident Fund along with statutory interest, till the date of actual payment. Learned counsel for the RP submitted that he has already filed counter through E-filing and hard copy will be filed within a day or two. Learned counsel for the Applicants submitted that she wants to file rejoinder. She may do so within a week. **List on 10.02.2021.** 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.**

17 IA(IBC)/16/2021 IN MA/113/KOB/2020 IN TIBA/9/KOB/2019

Learned counsel for the Applicant / Resolution Applicant Shri Kevin Thomas as well as learned counsel for the RP Shri Vijay V Paul appeared through VC. Heard both sides. **Reserved for orders. List for pronouncement of orders on 10.02.2021.** RP is directed to file his counter in the matter within a week.

18 MA/186/KOB/2020 IN MA/113/KOB/2020 IN TIBA/9/KOB/2019

Learned counsel for the RP Shri Vijay V Paul as well as learned counsel for the Resolution Applicant Shri Kevin Thomas appeared through VC. Heard both sides. **Reserved for orders. List for pronouncement of orders on 10.02.2021.**

19 MA/168/KOB/2020 IN TIBA/31/KOB/2019 & TIBA/10/KOB/2019

Learned RP Shri P.D.Vincent appeared through VC. None has appeared for the COC(R1). The RP submitted that he is running shortage of money to pay the rent of the 27 branch premises of the CD as also the Electricity bill and other incidental expenses. The CIRP cost as well the Advocate's fee is also due. Heard the RP. The RP is directed to convene the meeting of CoC within one week to sort out the payments to be made on the aforesaid account.

Meanwhile RP submitted that NCLAT adjourned the appeal filed by SEBI against the order passed by this Tribunal in IA/3/KOB/2020 and IA/4/KOB/2020 and is posted to 22.01.2021. Considering the above, the matter needs to be considered only after a decision comes from NCLAT. **List on 08.02.2021.**

20 MA/198/KOB/2020 IN IBA/17/KOB/2020

None has appeared for the IRP. This is an IA filed by the Interim Resolution Professional Shri K.T.Mathew (IBBI/IPA-00A/IP-P-01522/2019-2020/12464 under Section 22(3)(a) of IBC, 2016 in IBA/17/KOB/2010. This Tribunal vide order dated 09.10.2020 ordered the Corporate Insolvency Resolution Process under Section 7 of the IBC, 2016 in IBA/17/KOB/2020 filed by the Financial Creditors against the Corporate Debtor M/s. Moonriver Resorts Pvt Ltd and appointed the applicant herein as the Interim Resolution Professional (IRP).

The IRP submitted that as per Minutes of first meeting of Committee of Creditors, the Committee of Creditors has resolved with 100% voting to appoint the Interim Resolution Professional as Resolution Professional. The written consent in Form-AA has also been filed by the IRP to continue as RP.

Accordingly, the IRP prayed before this Tribunal to pass orders for Appointing him as Resolution Professional in this case.

After perusal of the case records including the Minutes of the 1st meeting of the Committee of Creditors, this Tribunal hereby appoints Shri K.T.Mathew (IBBI/IPA-00A/IP-P-01522/2019-2020/12464 as Resolution Professional in IBA/17/KOB/2020. He is directed to meticulously adhere to the Rules and Regulations issued by IBBI to conduct Corporate Insolvency Resolution Process from time to time.

MA/198/KOB/2020 IN IBA/17/KOB/2020 Is allowed accordingly.

21 MA/199/KOB/2020 IN IBA/17/KOB/2020

None has appeared for the IRP.

This MA has been filed by the IRP with the prayer to appoint Shri Jasin Jose, Insolvency Professional as Authorised Representative (AR) for the class of creditors (allottees of Resort Project) of CD. It appears from records that the IRP received 9 claims out of 24 Allottees in the Project. Out of these 9 claims only 2 allottees have submitted the claims in Form CA to appoint Shri Jasin Jose as Authorised representative for the Class of Creditors. The IRP is therefore directed to submit the Form CA of the remaining 7 Allottees to enable this Tribunal to take a decision with regard to the appointment of Authorised Representative of Class of Creditors in this case. List on **08.02.2021**.

22 IBA/37/KOB/2020

Learned counsel for the Operational Creditor Shri Thomas Kuruvilla and Divakar Mahaswari appeared through VC. Learned counsel for CD Shri Jithin Saji Isaac also appeared through VC. It appears from records that vide our order dated 15th Dec 2020 the CD was directed to file the counter within two weeks. But the CD has not yet filed their counter. CD is therefore directed to file the counter within a week, failing which law will take its own course. 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. Registry is directed to issue copy of this order to both the parties through email. List on 15.02.2021.**

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

Learned counsel for the Applicant Shri K.S.Ravi Chandran appeared through VC. Pleadings are complete. This case is posted for hearing today. However, learned counsel for R1 & R2 sought an adjournment to a later date stating that the matter involves voluminous pleadings and hence to be heard before the physical court.

It appears from records that this is a very old pending case. The learned counsel may note that decision on physical hearing can be taken only after getting general instructions from the Principal Bench. Therefore, list on **19.02.2021** at 2.30 pm for final hearing.

Before that date both the parties are directed to file their written submissions. It is expected that both the parties will co-operate for early disposal of this long pending matter. **Both the parties may bear in mind that there shall be no further adjournment in this matter.** Registry is directed to issue copy of this order to both the parties through email.

24 TCP/42/KOB/2019

Learned counsel for the Petitioner Shri K.S.Ravi Chandran appeared through VC. Pleadings are complete. This case is posted for hearing today. However, learned counsel for R1 & R2 sought an adjournment to a later date stating that the matter involves voluminous pleadings and to be heard before the physical court.

It appears from records that this is a very old pending case. The learned counsel may note that decision on physical hearing can be taken only after getting general instructions from the Principal Bench. Therefore, list on **19.02.2021** at 2.30 pm for final hearing.

Before that date both the parties are directed to file their written submissions. It is expected that both the parties will co-operate for early disposal of this long pending matter. **Both the parties may bear in mind that there shall be no further adjournment in this matter.** Registry is directed to issue copy of this order to both the parties through email.

25 TCP/68/KOB/2019 (TCP/49/2016)

Shri Karthikeyan Kasiviswanathan, who is the petitioner in this case appeared through VC. He submitted that he has not engaged any advocate and that he will be submitting his written arguments in the matter. None has appeared for R1, R2 and R3. Learned counsel for R5 Shri Jayan K appeared through VC. This is a very long pending case. Pleadings are complete. Both the parties are directed to submit their written submissions within a week with copy served to the opposite party. List on 03.03.2021 for final hearing.

26 TCP/81/KOB/19

Learned counsel for the Petitioner Shri Philip Mathew as well as learned counsel for the respondents Shri T.K. Bhasker and Vijay V. Paul appeared through VC. Pleadings are complete. **List on 03.02.2021 at 2.30 pm for hearing.**

27 TCA/29/KOB/19

Learned counsel for the Petitioner Shri Vijay V.Paul as well as learned counsel for R2 & R3 Shri Philip Mathew appeared through VC. Pleadings are complete. **List on 03.02.2021 at 2.30 pm for hearing.**

28 **IA/190/KOB/2020 IN CP/12/KOB/2020**

Both the parties appeared through VC. Heard. **Reserved for orders. List for pronouncement of orders on 28.01.2021.**

29 **IA/210/KOB/2020 IN CP/12/KOB/2020**

Both the parties appeared through VC. Heard. **Reserved for orders. List for pronouncement of orders on 28.01.2021.**

30 **CP/12/KOB/2020**

Learned counsel for the applicant Shri Jagan Abraham George as well as learned counsel for R1 to R4 Shri Sharad Kodianthara and learned counsel for R5 Shri Terry V. James appeared through VC. Adjourned **to 10.03.2021 for** hearing.

31 **CA/124/KOB/2020**

Learned counsel for the Appellant Ms Sreepriya Kalarikkal appeared through VC. Report of ROC is on record. **Reserved. List for pronouncement of orders on 25.01.2021.**