

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

### **Daily Orders – Draft**

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

Date: 19<sup>th</sup> Jan 2021

#### **1 IA/225/KOB/2020 IN TIBA/19/KOB/2019**

Learned counsel for the Applicant/RP Shri Jasin Jose appeared through VC. Orders pronounced. **IA/225/KOB/2020 IN TIBA/19/KOB/2019 is disposed of vide separate order.**

#### **2 IBA/27/KOB/2020**

Learned counsel for the Operational Creditor Shri Rony Jose as well as learned counsel for the Corporate Debtor Shri V. Sree Nath appeared through VC. Today the case is posted for pronouncement of orders. But it is brought to the notice of this Tribunal that the Hon'ble High Court of Kerala vide order dated 22.12.2020 in WP(C) No.28581/2020 (W) has ordered that "there shall be a stay of further proceedings pursuant to Ext P1 for a period of two months". **Therefore, the matter is de-reserved. List the IBA for hearing on 18.02.2021.**

#### **3 IA/97/KOB/2020 IN CP/117/KOB/2019**

Learned counsel for the Applicant Shri B.K. Gopalakrishnan as well as learned counsel for R2 to R5 Shri Santhosh Mathew appeared through VC. Orders pronounced. **IA/97/KOB/2020 IN CP/117/KOB/2019 stands disposed of.**

#### **4 IA/133/KOB/2020 IN CP/117/KOB/2019**

Learned counsel for the Applicant Shri B.K. Gopalakrishnan as well as learned counsel for R2 to R5 Shri Santhosh Mathew appeared through VC. Orders pronounced. **IA/133/KOB/2020 IN CP/117/KOB/2019 stands disposed of.**

#### **5 CP/117/KOB/2019**

Learned counsel for the Applicant Shri B.K. Gopalakrishnan as well as learned counsel for R2 to R5 Shri Santhosh Mathew appeared through VC. Orders pronounced. **CP/117/KOB/2019 is disposed of vide separate order.**

6 **IA/106/KOB/2020 IN CP/19/KOB/2020**

Learned counsel for the Applicant Shri B.K. Gopalakrishnan as well as learned counsel for R1 to R3 Shri Santhosh Mathew appeared through VC. Orders pronounced. **IA/106/KOB/2020 IN CP/19/KOB/2020 stands disposed of.**

7 **IA/132/KOB/2020 IN CP/19/KOB/2020**

Learned counsel for the Applicant Shri B.K. Gopalakrishnan as well as learned counsel for R1 to R3 Shri Santhosh Mathew appeared through VC. Orders pronounced. **IA/132/KOB/2020 IN CP/19/KOB/2020 stands disposed of.**

8 **CP/19/KOB/2020**

Learned counsel for the Petitioner Shri Santhosh Mathew as well as learned counsel for R2 & R3 Shri B.K. Gopalakrishnan appeared through VC. Orders pronounced. **CP/19/KOB/2020 stands disposed of vide separate sheets.**

9 **CA/1/KOB/2021**

Learned counsel for the Appellant Shri Navod Prasannan appeared through VC. Report of ROC is on record. **Orders reserved. List for pronouncement of orders on 29.01.2021.** Before that date the Appellant is directed to submit the copies of latest IT return of the Appellant Company.

10 **CA/2/KOB/2021**

Learned counsel for the Appellant Shri Krishna Kumar G appeared through VC. The documents submitted by the Appellant in his Appeal include the following:

- (i) Master Data
- (ii) Memorandum of Association and Articles of Association
- (iii) Latest Income Tax Return acknowledgement
- (iv) Latest Financial Statements

This is an Appeal filed by the Appellant for restoring the name of the Appellant Company in the Register of ROC. **Admitted.** Registry is directed to issue notice to ROC through special messenger for his report. **List on 02.02.2021**

11 **CA/3/KOB/2021**

Learned counsel for the Appellant Shri Abid Millath appeared through VC. Report of ROC is on record. **Reserved for orders. List for pronouncement of orders on 29.01.2021.**

12 **IA(IBC)/15/2021 IN IBC/35/KOB/2019**

No response from both the parties. **Adjourned to 01.02.2021.**

13 **IA(IBC)18/2021 IN TIBA/14/KOB/2019**

Learned RP Shri Sasitaran Ramaswamy appeared through VC along with his learned counsel Shri Vinod PV. This is an application filed by the RP under Section 33(1) of the IBC 2016 for Liquidation of the Corporate Debtor M/s. India Techs Limited. The matter will be heard along with MAs 203 & 204/KOB/2020. **List on 23.02.2021.**

14 **MA/203/KOB/2020 IN TIBA/14/KOB/2019**

Learned RP Shri Sasitaran Ramaswamy appeared through VC along with his learned counsel Shri Vinod PV. Learned counsel for the Respondents Shri Sharad Kodianthara also appeared through VC.

Vide our order dated 17.12.2020 the respondents were directed to file their counter on or before 04.01.2021. But counter has not yet been filed. Respondents are directed to file their counter within two weeks positively 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.**

List on **23.02.2021** for hearing.

15 **MA/204/KOB/2020 IN TIBA/14/KOB/2019**

Learned RP Shri Sasitaran Ramaswamy appeared through VC along with his learned counsel Shri Vinod PV. Learned counsel for the Respondents Shri Sharad Kodianthara also appeared through VC.

Vide our order dated 17.12.2020 the respondents were directed to file their counter on or before 04.01.2021. But counter has not yet been filed. Respondents are directed to file their counter within two weeks positively 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.**

List on **23.02.2021** for hearing.

16 **IA/218/KOB/2020 IN MA/22/KOB/2020 IN TIBA/14/KOB/2019**

Learned Counsel for the Applicant Shri Sharad Joseph Kodianthara as well as learned RP Shri Sasitaran Ramaswamy appeared through VC along with his learned counsel Shri Vinod PV. Learned counsel for the CoC (Bank) Ms Latha Susan Cherian also appeared through VC. Heard the parties. **Orders reserved. List for pronouncement of orders on 12.02.2021.**

**17 MA/22/KOB/2020 IN TIBA/14/KOB/2019**

Learned Counsel for the Applicant Shri Sharad Joseph Kodianthara as well as learned RP Shri Sasitaran Ramaswamy appeared through VC along with his learned counsel Shri Vinod PV. Advocate Latha Susan Cherian appeared through VC for R2 and Advocate Raveena Naz appeared for R5. No representation for R6 & R8. This MA is filed with the prayers to (i) quash Resolution No.1 mentioned in Annexure A11 minutes of the 4<sup>th</sup> meeting of the CoC; (ii) quash Resolution No.1 mentioned in Annexure A12 Notice of the 5<sup>th</sup> meeting of the CoC and (iii) direct the CoC to grant extension of time to receive and accept EoI which has already been received by the RP and allow the submission of a Resolution Plan.

Learned counsel for the RP submitted that CoC meeting has already decided to liquidate the CD.

When the matter was taken up for hearing, learned counsel for the Applicant submitted that he has filed an **IA/218/KOB/2020** praying to grant further extension of time for a period of 90 days to complete the CIR proceedings in order to seek out a Prospective Resolution Applicant. He has stated that this MA is practically become infructuous. Accordingly, **MA/22/KOB/2020 IN TIBA/14/KOB/2019 is dismissed as infructuous.**

**18 IA/02/KOB/2021 IN IBA/13/KOB/2020**

Learned Senior Counsel for the Applicant Shri Aravind Pandian as well as learned counsel for the Respondent/Corporate Debtor Shri PV George appeared through VC. Heard both sides. **Reserved for orders. List for pronouncement of orders on 28.01.2021.**

**19 IBA/41/KOB/2020**

Learned counsel for the Financial Creditor Ms Uma Rani as well as learned counsel for the Corporate Debtor Shri Peer Mohammed Khan appeared through VC. CD has filed the counter, but registry reported that the same is defective. CD may rectify the defects within a week. Learned counsel for FC submitted that she has received the counter and sought time to file the rejoinder. She may do so within two weeks. **List on 09.02.2021 for final hearing.**

**20 IA/26/KOB/2019 IN CP/74/KOB/2019**

Learned counsel for the applicant Shri Philip Mathew as well learned counsel for R1 Shri Anil D Nair, R3 Shri Ameerul Millath and for R4 Shri Millu Dandapani appeared through VC. None has appeared for other respondents. Shri Philip Mathew submitted that the appeal connected to this matter is posted to next week for hearing before NCLAT. Hence, the matter is adjourned to **12.03.2021 at 2.30 pm for final hearing**

21 **IA/47/KOB/2020 IN CP/74/KOB/2019**

None has appeared for the applicant. Learned counsel for R1 Shri Anil D Nair, R3 Shri Ameerul Millath and for R4 Shri Millu Dandapani appeared through VC. None has appeared for other respondents. Shri Philip Mathew submitted that the appeal connected to this matter is posted to next week for hearing before NCLAT. Hence, the matter is adjourned to **12.03.2021 at 2.30 pm for final hearing**

22 **CP/74/KOB/2019**

Learned counsel for petitioner Shri Philip Mathew as well as learned counsel for R1 Shri Anil D Nair, R3 Shri Ameerul Millath and for R4 Shri Millu Dandapani appeared through VC. None has appeared for other respondents. Shri Philip Mathew submitted that the appeal connected to this matter is posted to next week for hearing before NCLAT. Hence, the matter is adjourned to **12.03.2021 at 2.30 pm for final hearing**

23 **IA/162/KOB/2020 IN CA/78/KOB/2020**

Learned counsel for the Applicant Shri Aswin Gopakumar submitted an email stating willingness to appear through VC. However, learned counsel for the R1 & R2 Shri Nebil Nizar submitted an email seeking an adjournment for 2 weeks stating that he is engaged with another matter of instructing an Advocate on Record for appearance before Supreme Court of India. **Adjourned to 16.02.2021.**

24 **CA/78/KOB/2020**

Learned counsel for the Applicant Shri Aswin Gopakumar submitted an email stating willingness to appear through VC. However learned counsel for the R1 & R2 Shri Nebil Nizar submitted an email seeking an adjournment for 2 weeks stating that he is engaged with another matter of instructing an Advocate on Record for appearance before Supreme Court of India. **Adjourned to 16.02.2021.**

25 **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. Arguments heard and concluded. Reserved for orders. **List for pronouncement of orders on 16.02.2021. The parties may submit their argument notes before that date.**

26    **IA/207/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. **Adjourned to 16.02.2021.**

27    **CP/41/KOB/2020**

Learned counsel for the Applicant Shri PP Zibi Jose, learned counsel for R1 to R3 and HUF-3) Shri Sanjay and learned counsel for HUF-2 & 4 Shri Sukumar Nainan Oommen appeared through VC. None has appeared for other respondents. **Adjourned to 16.02.2021.**