

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

### **Daily Orders – Draft**

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

**Date: 19<sup>th</sup> Feb 2021**

**1 CA/109/KOB/2020**

Learned counsel for the Appellant Shri Shameem Ahamed appeared through VC. Orders pronounced. **CA/109/KOB/2020 is disposed of vide separate sheets.**

**2 CA/110/KOB/2020**

Learned counsel for the Appellant Shri Shameem Ahamed appeared through VC. Orders pronounced. **CA/110/KOB/2020 is disposed of vide separate sheets.**

**3 CA/111/KOB/2020**

Learned counsel for the Appellant Shri Shameem Ahamed appeared through VC. Orders pronounced. **CA/111/KOB/2020 is disposed of vide separate sheets.**

**4 CA/112/KOB/2020**

Learned counsel for the Appellant Shri Shameem Ahamed appeared through VC. Orders pronounced. **CA/112/KOB/2020 is disposed of vide separate sheets.**

**5 CA/113/KOB/2020**

Learned counsel for the Appellant Shri Shameem Ahamed appeared through VC. Orders pronounced. **CA/113/KOB/2020 is disposed of vide separate sheets.**

**6 CA/114/KOB/2020**

Learned counsel for the Appellant Shri Shameem Ahamed appeared through VC. Orders pronounced. **CA/114/KOB/2020 is disposed of vide separate sheets.**

**7 CP/03/KOB/2021**

Learned counsel for the Appellant Ms Merin Thaliath appeared through VC. Orders pronounced. **CP/03/KOB/2021 is disposed of vide separate sheets.**

**8 MA(IBC)/1/KOB/2021 IN TIBA/11/KOB/2019**

Learned counsel for the Applicant Shri Millu Dandapani as well as learned RP Shri Bijoy P. Pulipra appeared through VC. Heard both sides. **Reserved for orders. List for pronouncement of Orders on 22.02.2021.**

**9 IA(IBC)/42/KOB/2021 IN MA/97/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB**

Learned counsel for the Applicant Shri Shivsankar R. Panicker as well as learned Liquidator (R1) Shri Ravindra Chathurvedi appeared through VC along with his learned counsel Shri Akhil Suresh. I have heard both the parties. Learned counsel for the applicant submitted that the order passed by this Tribunal on 28.08.2020 has not yet been fully complied with by the Liquidator as few more documents are to be supplied by the Liquidator. As per Section 37(2) & (3) of IBC, 2016, when an application is made, the liquidator is required to issue the documents pertaining to that application within 7 days. Therefore, the liquidator is directed to issue the remaining documents to the applicant before the next date fixed.

Meanwhile the Liquidator submitted that he has filed the counter in this IA. But Registry reported that no such counter has been received. The liquidator shall ensure that the hard copy of the counter is filed before the next date fixed. **List on 26.02.2021.**

**10 IA(IBC)/43/KOB/2021 IN MA/98/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB**

Learned counsel for the Applicant Shri Shivsankar R. Panicker as well as learned Liquidator (R1) Shri Ravindra Chathurvedi appeared through VC along with his learned counsel Shri Akhil Suresh. I have heard both the parties. Learned counsel for the applicant submitted that the order passed by this Tribunal on 28.08.2020 has not yet been fully complied with by the Liquidator as few more documents are to be supplied by the Liquidator. As per Section 37(2) & (3) of IBC, 2016, when an application is made, the liquidator is required to issue the documents pertaining to that application within 7 days. Therefore, the liquidator is directed to issue the remaining documents to the applicant before the next date fixed.

Meanwhile the Liquidator submitted that he has filed the counter in this IA. But Registry reported that no such counter has been received. The liquidator shall ensure that the hard copy of the counter is filed before the next date fixed. **List on 26.02.2021.**

**11 IA(IBC)/44/KOB/2021 IN MA/127/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB**

Learned counsel for the Applicant Shri Shivsankar R. Panicker as well as learned Liquidator (R1) Shri Ravindra Chathurvedi appeared through VC along with his learned counsel Shri Akhil Suresh. I have heard both the parties. Learned counsel for the applicant submitted that the order passed by this Tribunal on 28.08.2020 has not yet been fully complied with by the Liquidator as few more documents are to be supplied by the Liquidator. As per Section 37(2) & (3) of IBC, 2016, when an application is made, the liquidator is required to issue the documents pertaining to that application within 7 days. Therefore, the liquidator is directed to issue the remaining documents to the applicant before the next date fixed.

Meanwhile the Liquidator submitted that he has filed the counter in this IA. But Registry reported that no such counter has been received. The liquidator shall ensure that the hard copy of the counter is filed before the next date fixed. **List on 26.02.2021.**

**12 IA(IBC)/45/KOB/2021 IN MA/117/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB**

Learned counsel for the Applicant Shri Shivsankar R. Panicker as well as learned Liquidator (R1) Shri Ravindra Chathurvedi appeared through VC along with his learned counsel Shri Akhil Suresh. I have heard both the parties. Learned counsel for the applicant submitted that the order passed by this Tribunal on 28.08.2020 has not yet been fully complied with by the Liquidator as few more documents are to be supplied by the Liquidator. As per Section 37(2) & (3) of IBC, 2016, when an application is made, the liquidator is required to issue the documents pertaining to that application within 7 days. Therefore, the liquidator is directed to issue the remaining documents to the applicant before the next date fixed.

Meanwhile the Liquidator submitted that he has filed the counter in this IA. But Registry reported that no such counter has been received. The liquidator shall ensure that the hard copy of the counter is filed before the next date fixed. **List on 26.02.2021.**

**13 IA/220/KOB/2020 IN MA/97/KOB/2020 & MA/98/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB**

Learned counsel for the Applicant Shri Shivsankar R. Panicker as well as learned Liquidator (R1) Shri Ravindra Chathurvedi appeared through VC along with his learned counsel Shri Akhil Suresh. Adjourned to 26.02.2021.

**14 MA/97/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB**

Learned counsel for the Applicant Shri Shivsankar R. Panicker as well as learned Liquidator (R1) Shri Ravindra Chathurvedi appeared through VC along with his learned counsel Shri Akhil Suresh. Adjourned to 26.02.2021.

**15 MA/98/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB**

Learned counsel for the Applicant Shri Shivsankar R. Panicker as well as learned Liquidator (R1) Shri Ravindra Chathurvedi appeared through VC along with his learned counsel Shri Akhil Suresh. Adjourned to 26.02.2021.

**16 IA/217/KOB/2020 IN TCP/26/KOB/2019 (CP/716/19)**

Learned counsel for the Applicant Shri Niranjan Sudheer as well as learned PCS for R1 to R6 Dr. K.S.Ravi Chandran appeared through VC. Pleadings are complete. Hence, **list on 19.03.2021 at 2.30 pm along with the main TCP for final hearing.** Before that date, the counsel of both the parties may submit their argument brief (limited within 5 pages).

**17 IA/62/KOB/2020 IN TCP/26/KOB/2019**

Learned counsel for the Applicant Shri Niranjan Sudheer as well as learned PCS for R1 to R6 Dr. K.S.Ravi Chandran appeared through VC. This IA is filed by the applicant/petitioner under Rule 43 of NCLT Rules 2016 seeking to order the production and marking the originals and/or certified true copies of the following documents:

1. Audio-Visual Records of the Board of Directors Meeting held on 08.05.2020, where the petitioner was illegally and irregularly ousted as the Managing Director of the R1 Company;
2. The Agreement dated 01.12.2011 entered into between the R1 and M/s. Divine Vision (Divine Trust);
3. The Agreement dated 01.04.2015 entered into between the R1 and M/s. Divine Vision (Divine Trust);
4. The Agreement of unknown date entered into between the R1 and M/s. Divine vision (Divine Trust) after the illegal removal of Petitioner as the MD of the Company; and
5. The complete records of the filings undertaking under the Companies (Significant Beneficial Owners) Rules, 2018 after February of 2019.

I have heard both the parties and perused the records. Learned PCS for R1 to R6 submitted that reliefs 1 to 4 above have already been complied with by the Respondents. Learned counsel for the applicant has also admitted the same.

With regard to relief sought under 5 above, the counter filed by R1 to R4 states that *“the complete records of the filings undertaken under Companies Act 2018 (significant beneficial owner) after February 2019 is not applicable, because there is no significant beneficial owner for the Company. The shareholding pattern (SHP) of the Company as on the date is same as the one when the Petitioner was the Chairman and Managing Director. There is no change in the SHP of the Company after the change of his designation. Hence, the Petitioner knows very well that the provision of Significant Beneficial Ownership is not applicable to the Company.”*

The learned counsel for the petitioner has raised no objection with regard to the above statement of R1 to R4.

As such, the reliefs sought in this IA have already been complied with by the R1 to R4. Accordingly, this **IA/62/KOB/2020 IN TCP/26/KOB/2019 has become infructuous and hence closed.**

#### 18 TCP/26/KOB/2019 (CP/716/19)

Learned counsel for the Applicant Shri Niranjana Sudheer as well as learned counsel for R1 to R6 Shri K.S.Ravi Chandran Devi appeared through VC. Pleadings are complete. Hence, list on **19.03.2021 at 2.30 pm for final hearing**. Before that date, the counsel of both the parties may submit their argument brief (limited within 5 pages).

#### 19 IA/149/KOB/2020 IN TCP/67/KOB/2019

Learned counsel for the Applicant Shri Sankar P. Panicker as well as learned senior counsel for R1 to R6 Shri Joseph Kodianthara sought link to appear through VC. But due to paucity of time, adjourned to 01.04.2021.

#### 20 TCP/67/KOB/2019

Learned counsel for the Applicant Shri Sankar P. Panicker as well as learned senior counsel for R1 to R6 Shri Joseph Kodianthara sought link to appear through VC. But due to paucity of time, adjourned to 01.04.2021.

#### 21 CP/44/KOB/2020

Learned counsel for the Petitioner Ms Rema Smrithi VK as well as learned PCS for the respondents Shri Diren R. Dave appeared through VC. Registry reported that the Memo of Appearance filed by Shri Diren R. Dave is defective. Shri Diren submitted that he has filed another Memo of Appearance through email and the original despatched through courier. Counter has also been filed for the

respondents. Since the petitioner received the copy of the counter, the defects pointed out by the Registry need not be followed up. The petitioner may file his rejoinder, if any, within 3 weeks. **List on 23.03.2021 for hearing.**

**22 TIA/2/KOB/2019 (IA183/2019) IN TCP/42/KOB/2019**

The applicant sent a mail seeking time to engage a new counsel, as his learned PCS has relinquished the vakalath. It is also seen that one Mr.S.V.Rajan, advocate sent a mail stating that he has sent a Memo of appearance and Vakalath for the petitioner. However, the Registry reported that the memo and vakalath sent by him is defective. The counsel may cure the defect. Learned counsel for respondents sought permission to appear through VC. Since a request was made by the petitioner, list for hearing **on 6.4.2021.**

**23 TCP/42/KOB/2019**

The petitioner sent a mail seeking time to engage a new counsel, as his learned PCS has relinquished the vakalath. It is also seen that one Mr.S.V.Rajan, advocate sent a mail stating that he has sent a Memo of appearance and Vakalath for the petitioner. However, the Registry reported that the memo and vakalath sent by him is defective. The counsel may cure the defect. Learned counsel for respondents sought permission to appear through VC. Since a request was made by the petitioner, list for hearing **on 6.4.2021.**