

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

Date: 19th July 2021

In the Bench of: **Shri Ashok Kumar Borah, Member (Judicial) &
Shri Rajesh Sharma, Member (Technical)**

1 CA(CAA)/2/KOB/2021

Learned counsel for the Petitioner Shri Sumit Agarwal appeared through VC.

He sought permission to file an IA so as to submit the amended Scheme of Amalgamation in compliance with the guidelines provided in the General Circular (09.2019) of MCA dated 21.08.2019. Allowed.

List on 05.08.2021.

2 CA(CAA)/3/KOB/2021

Learned counsel for the Petitioner Shri Sumit Agarwal appeared through VC.

He sought permission to file an IA so as to submit the amended Scheme of Amalgamation in compliance with the guidelines provided in the General Circular (09.2019) of MCA dated 21.08.2019. Allowed.

List on 05.08.2021.

3 IA(IBC)/83/KOB/2021 IN IBA/13/KOB/2020

Learned Applicant/IRP Shri K. Parameswaran Nair appeared through VC.

This is an IA filed by the IRP with the prayer to appoint Mr. Rajendran P.R., Insolvency Professional as Authorised Representative (AR) for the class of creditors in the matter Sree Bhadra Parks and Resorts Ltd (Allottees of Resort Project) in view of the same having been selected by the Class of Creditors. The consent of Mr. Rajendran in Form AB to act as the Authorised Representative has also been produced along with this IA.

Heard the RP and perused the records.

IA(IBC)/83/KOB/2021 IN IBA/13/KOB/2020 stands disposed of vide separate sheets.

4 IA/15/KOB/2020 IN TCP/01(KOB)/2020 (CP/20/1985/HC)

Learned counsel for the applicant Smt. Sindhu Lekshmi as well as learned counsel for R1-R3 Shri Joseph Antony appeared through VC. None appeared for R4 & R5.

The voice of Shri Joseph Antony was not audible in the VC due to some technical problem.

This IA will be heard along with the main TCP.

Adjourned to 5.08.2021.

5 TCP/01(KOB)/2020 (CP/20/1985/HC)

Learned counsel for the petitioners Shri Joseph Antony as well as learned counsel for R3 Smt. Sindhu Lekshmi appeared through VC.

The voice of Shri Joseph Antony was not audible in the VC due to some technical problem.

Adjourned to 5.08.2021 for hearing.

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

Learned counsel for the Applicant Shri Cyriac Tom as well as learned counsel for the Respondents Smt. Manjulla Devi appeared through VC.

Shri Cyriac Tom sought an adjournment stating that his office is under renovation and that he could not peruse the files. Adjournment request is allowed.

List on 27.08.2021 for hearing.

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

Learned counsel for the Applicant Shri Cyriac Tom as well as learned counsel for the Respondents Smt. Manjulla Devi appeared through VC.

Shri Cyriac Tom sought an adjournment stating that his office is under renovation, and that he could not peruse the files. Adjournment request is allowed.

List on 27.08.2021 for hearing.

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

Learned counsel for the Applicant Shri Cyriac Tom as well as learned counsel for the Respondents Smt. Manjulla Devi appeared through VC.

Shri Cyriac Tom sought an adjournment stating that his office is under renovation, and that he could not peruse the files. Adjournment request is allowed.

List on 27.08.2021 for hearing. Before that date both the parties are directed to submit their written submissions in brief (limiting 4-5 pages).

9 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 appeared through VC.

Both the parties sought an adjournment stating that discussions are going on between the parties to settle the matter amicably. Adjournment request is allowed.

List on 01.10.2021 for hearing/report settlement.

10 CA/45/KOB/2021 IN TCP/67/KOB/2019 (CP/9/2016)CHENNAI BENCH

Learned counsel for the Applicant Shri Sankar P. Panicker as well as learned senior counsel for R1 to R6 Shri Joseph Kodianthara appeared through VC.

Both the parties sought an adjournment stating that discussions are going on between the parties to settle the matter amicably. Adjournment request is allowed.

List on 01.10.2021 for hearing/report settlement.

11 TCP/67/KOB/2019

Learned counsel for the Petitioner Shri Sankar P. Panicker as well as learned senior counsel for R1 to R6 Shri Joseph Kodianthara appeared through VC.

Both the parties sought an adjournment stating that discussions are going on between the parties to settle the matter amicably. Adjournment request is allowed.

List on 01.10.2021 for hearing/report settlement.

12 CP/128/KOB/2019

Learned counsel for the Petitioner Shri Babu Cherukara as well as learned counsel for R1 to R3 Shri Philip Mathew appeared through VC.

Shri Babu Cherukara submitted that Surveyor has already assessed the Value of Shares of the R1 Company. He further submitted that he has filed an IA consequent to the report of the Valuer. However, the said IA has not been listed.

Shri Philip Mathew submitted that he wants to file counter to the aforesaid IA. Allowed. **List on 13.08.2021 along with the aforesaid IA, if it is in order.**

13 IA/91/KOB/2020 IN CP/16/KOB/2020

Learned counsel for the applicant/R3 Shri Thomas Geeverghese as well as learned counsel for R1 Shri Sukumar Nainan Oommen and learned counsel for R2 Shri Philip Mathew appeared through VC.

Both the parties suggested that these IAs may be heard along with the main CP since pleadings are complete in the main CP.

List on 16.08.2021 for hearing.

14 IA/126/KOB/2020 IN CP/16/KOB/2020

Learned counsel for the applicant Shri Philip Mathew as well as learned counsel for respondent Shri Sukumar Nainan Oommen appeared through VC.

Both the parties suggested that these IAs may be heard along with the main CP since pleadings are complete in the main CP.

List on 16.08.2021 for hearing.

15 IA/127/KOB/2020 IN CP/16/KOB/2020

Learned counsel for the applicant Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R11 Shri Philip Mathew as well as learned counsel for R3, R6, R7 & R8 Shri Thomas Geeverghese also appeared through VC.

Both the parties suggested that these IAs may be heard along with the main CP since pleadings are complete in the main CP.

List on 16.08.2021 for hearing.

16 IA/128/KOB/2020 IN CP/16/KOB/2020

Learned counsel for the applicant Shri Sukumar Nainan Oommen appeared through VCV. Learned counsel for R1 & R11 Shri Philip Mathew as well as learned counsel for R3, R6, R7 & R8 Shri Thomas Geeverghese also appeared through VC.

Both the parties suggested that these IAs may be heard along with the main CP since pleadings are complete in the main CP.

List on 16.08.2021 for hearing.

17 CONTEMPT PETITION/06/KOB/2020 IN CP/16/KOB/2020

Learned counsel for the Contempt Petitioner Shri Philip Mathew as well as learned counsel for respondent Shri Sukumar Nainan Oommen appeared through VC.

Shri Philip Mathew suggested that this contempt petition may be heard along with the main CP since pleadings are complete in the main CP.

List on 16.08.2021 for hearing.

18 CP/16/KOB/2020

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R11 Shri Philip Mathew as well as learned counsel for R3, R6, R7 & R8 Shri Thomas Geeverghese also appeared through VC.

Pleadings are complete. Written argument note (in 4-5 pages) be filed those who have not filed the same before the next date.

List on 16.08.2021 for hearing.

19 CP/23/KOB/2020

Learned counsel for the Petitioner Shri Linil Lal as well as learned counsel for R1 to R4 Shri Ratheesh P.R. appeared through VC.

Pleadings are complete. Both the learned counsel sought an adjournment to enable their senior to argue the matter. Allowed.

List on 27.08.2021 for hearing.

20 CP/28/KOB/2020

Learned counsel for the Petitioner Shri Philip Mathew as well as learned counsel for R1-R4 Shri Abraham George appeared through VC. Learned Valuer of the R1 Company Shri Sivadasan C.P. also appeared through VC.

Both the parties submitted that they have not yet received the report of the Valuer. Registry also reported that they have not yet received the report of the Valuer even though the valuer was given 3 weeks' time from 22.06.2021, as sought by him, for submission of his report.

Shri Sadasivan C.P., the Valuer is directed to file his report positively within one week serving copy of the same in advance to the learned counsel of the Petitioner and Respondents.

List on 17.08.2021.

21 CP/09/KOB/2021

Learned counsel for the Petitioner Shri Akhil Suresh as well as learned counsel for R1 & R4 Shri Clint Li Johny appeared through VC.

Both the parties sought a short adjournment. Allowed.

List on 29.07.2021 for hearing.

22 CP/12/KOB/2021

Learned counsel for the Petitioner Shri Vivek Kumar appeared through VC.

Adv Shri Srihari also appeared for the respondents through VC. He submitted that he has already filed the Vakkalath through email and sought time to file the hard copy of the vakkalath and counter.

The respondents are directed to file the counter within two weeks serving copy in advance to the Petitioner, who may file rejoinder, if any, two days before the next date of hearing. **List on 10.08.2021.**

23 CP(CAA)/01/KOB/2021

Learned counsel for the Petitioners Shri Yogindunath S appeared through VC.

The report filed by ROC on 19.07.2021 is on record.

Shri Yogindunath submitted that he has filed the No Objection Memo issued by the RD through Email. He is directed to file the hard copy of the same positively before the next date of hearing, if it is not filed.

ROC in his report stated that RD vide letter dated 15.07.2021 has decided not to make any objection to the scheme of amalgamation except for a direction to the Transferee Company to comply with the provision of Section 232(3) (i) of the Companies Act, 2013 for merger of Authorized Share Capital of the Transferor with Transferee Company and also to file the amended MoU and AoA with the jurisdictional Registrar of Companies.

Since the RD is the competent authority to file a report in such matters, the ROC is directed to produce the order of the RD authorising him to submit report in this case. Registry is directed to issue a copy of this order to ROC.

List on 26.08.2021.