

NCLT, KOCHI BENCH

Daily Orders – Draft

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

Date: 2nd June 2021

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

This IA was filed by Shri K. Parameswaran Nair, Interim Resolution Professional in the matter of Ramani Resorts and Hotels Private Limited under Section 21(6A)(b) of IBC. However, this was wrongly listed as an application filed by M/s Ramani Resorts Private Limited. This mistake may be corrected in the cause list and list for direction on **10.6.2021** correcting the cause title accordingly.

2 IA(IBC)/32/KOB/2021 IN MA/9/(KOB)/19 IN CP(IB)/689/17(CHENNAI BENCH)

Learned counsel for the Applicant/Corporate Debtor Shri Ravi Rajagopalan appeared through VC. Learned GP for R1, R2, R5, R6, R12, R13 and R14 Shri Mohammed Fazil MP also appeared through VC.

Learned counsel for the applicant submitted that he has filed an IA on 24th April 2021 through E filing. To support the aforesaid IA, he has also filed a Memo. Registry reported that the aforesaid IA is defective. Learned counsel for the applicant is directed to rectify the defects immediately.

Registry is directed to list the aforesaid IA along with this IA on **10.06.2021** for hearing.

Registry is also directed to issue copy of this order to the learned counsel of the parties through email.

3 MA/71/KOB/2020 IN IBA/38/KOB/2019

Learned counsel for the Applicant/RP Shri K.B.Arun Kumar, learned counsel for the Operational Creditor Shri Shikkil Suri, learned counsel for R3 Shri Reji George and learned counsel for R4 Shri Pranoy Harilal appeared through VC.

Shri Reji George, the learned counsel appearing for R3 (Albanna Engineering LLC) submitted that his client has not been made a party in MA/25/KOB/2020 and hence he has filed an IA on 02.06.2021 to implead Albanna Engineering LLC as Additional Respondent No.4 in MA/25/KOB/2020. But registry reported that the IA filed by Albanna Engineering LLC is defective. The defect pointed out by the registry is

waived and Registry is directed to number the aforesaid IA for impleadment of Albanna Engineering LLC in MA/25/KOB/2020.

The IA(IBC)/85/KOB/2021 for impleading Albanna Engineering LLC as Additional Respondent No.4 in MA/25/KOB/2020 is hereby allowed. Registry is directed to make impleadment in the cause title of MA/25/KOB/2020.

Shri Reji George sought 2 weeks time file the counter. Allowed. The Additional R4 is directed file the counter within two weeks positively.

Next date is fixed for hearing. Since this is an NCLAT order to dispose of the MA/25/KOB/2020 within six weeks, the parties may bear in mind that this case cannot be prolonged and **hence there shall be no further adjournment in this case.** Learned counsel for the parties are directed to submit their Argument Brief (limiting 4/5 pages) before the next date fixed.

List MA/25/KOB/2021 along with MA/71/KOB/2020 IN IBA/38/KOB/2019 on 17.06.2021 for hearing.

Registry is also directed to issue copy of this order to the learned counsel of the all the parties through email.

4 IBA/11/KOB/2020

Learned counsel for the applicant sought link to appear through VC. This matter was posted for filing settlement memo by the parties. The MD of the Corporate Debtor through email submitted that due to covid 19 pandemic, he could not consult his counsel and prepare the settlement memo and sought an adjournment on that count. Hence list on **15.6.2021 for final hearing/settlement memo. It is made clear that no further adjournment will be granted.**

5 IA(IBC)/63/KOB/2021 IN IBA/30/KOB/2020

Learned counsel for the applicant in IA sought an adjournment through email sating that the Hon'ble High Court of Kerala granted a stay order in the proceeding in IBA/30/KOB/2020 on 15.3.2021, which was extended. The NCLAT proceedings initiated against the petitioner in the matter is pending and that two of their office staff have tested positive for covid and entire office staff is in home quarantine. Hence, they have no access to the files pertaining to the case. The learned counsel for the respondent sought link to appear through VC. Adjourned **to 8.6.2021.**

6 IBA/30/KOB/2020

Learned counsel for the respondent No.2 sought an adjournment through email sating that the Hon'ble High Court of Kerala granted a stay order in the proceeding in

IBA/30/KOB/2020 on 15.3.2021, which was extended. The NCLAT proceedings initiated against the petitioner in the matter is pending and that two of their office staff have tested positive for covid and entire office staff is in home quarantine. Hence, they have no access to the files pertaining to the case. The learned counsel for the applicant sought link to appear through VC. Adjourned to **8.6.2021**.

7 TCP/51/KOB/2019

Learned counsel for the petitioner sought an adjournment stating that due to strict lockdown in the State of Tamil Nadu, his office is closed down. So, he is unable to attend the hearing. Shri Millu Dandapani appearing for R 2 and 13 intimated his willingness to appear through VC. List on **24.6.2021**.

8 TCP/82/KOB/2019 (CP/08/2016)

No response either from the petition or the respondents. Hence adjourned to **24.6.2021**.

9 CP/92/KOB/2019

Learned counsel for the petitioner intimated his willingness to appear through VC. However, learned counsel for respondents sought an adjournment on account of personal inconvenience. Adjourned to **25.6.2021**.

10 TCP/21/KOB/2019

Learned counsel for the petitioners Shri A.C.Venugopal appeared through VC. Learned counsel for the Administrator (R1) Shri Manuel Vivera and learned counsel for R3 to R6 represented by Shri Arjun R. Naik, appeared through VC. None appeared for SFIO and for R10.

Learned counsel for the Administrator submitted that he has received a copy of report filed by ROC in the matter of directions given to Serious Fraud Investigation office (SFIO), Chennai to investigate into the affairs of M/s Bhagyodayam Company vide order dated 11.03.2020 in IA/29/KOB/2020 in TCP/21/KOB/2019. But the Bench observed that this Tribunal has not yet received any such report from ROC.

Meanwhile, the Auditors M/s. Babu A. Kallivayalil have submitted their report. But learned counsel for the petitioners submitted that he has not yet received the copy of report of the Auditors.

It appears from records that the learned counsel for the SFIO Shri Girish Kumar submitted in the hearing on 10.08.2020 that the Government of India is under the process of constituting the team to investigate into the affairs of the Bhagyodhayam

Company (R1) and at least two months period may require to complete the investigation against the R1 Company. But no response from SFIO in the last three hearings and there is no appearance on their behalf. Since the order of this Tribunal dated 11.03.2020 has not yet been stayed by any Appellate Court, the order is remaining still today. Therefore, SFIO is directed to submit their report before the next date fixed positively, failing which law will take its own course.

The Auditors M/s. Babu A. Kallivayalil are directed to provide copy of their report to the counsel for the petitioner/Administrator and other respondents within a week positively.

The related parties are directed to file their comments on the Auditors Report before the next date fixed.

List on 05.07.2021 for hearing.

Registry is directed to issue copy of this order to the learned counsel of all the parties including learned counsel for SFIO Shri Girish Kumar and to M/s. Babu A. Kallivayilil & Company, Auditors through email.

11 CA/44/KOB/2019

Learned counsel for the applicant Shri A.C.Venugopal appeared through VC. Learned counsel for the Administrator (R1) Shri Manuel Vivera and learned counsel for R4, R6-R9, R11, R13-R18 Shri Arjun R. Naik also appeared through VC. None appeared for R2 & R3.

Shri Arjun R. Naik sought an adjournment stating that due to Covid Pandemic his senior is not able to argue the matter. Adjournment request is allowed.

Adjourned **to 10.06.2021 at 2.30 pm** for hearing. Before that date learned counsel for all the parties may file their written submissions (limiting 4/5 pages).

12 CA/44/KOB/2021 IN CP/02/KOB/2020

Heard Shri Arvind Pandian, learned Senior Advocate appearing for the applicant and Shri Ramji Srinivasan, learned Senior Advocate appearing for the respondents. Arguments concluded. **Orders reserved. List for pronouncement of orders on 18.06.2021.**

13 CONTEMPT PETITION/02/KOB/2021 IN CP/02/KOB/2020

Shri Arvind Pandian, learned Senior Advocate appeared for the petitioner and Shri Ramji Srinivasan, learned Senior Advocate appeared for the contemnors. Shri counsel for the respondents stated that they have filed a rectification application to rectify the daily orders of this Tribunal. However, the same is not listed today.

Registry reported that the hard copy of the application is not received in this Tribunal. Respondents are directed to file the hard copies of the application immediately. Thereafter the Registry is directed to list the same along with this Contempt Petition on **23.6.2021**.

14 CP/09/KOB/2020

Learned counsel for the petitioner sought link to appear through VC. However, he has stated that if a request from respondents for adjournment, he has no objection in adjourning the matter. Learned counsel for the respondents sought adjournment. Hence adjourned to **25.6.2021**.

15 CP/28/KOB/2020

Learned counsel for the petitioner sought link to appear through VC. Learned counsel for Respondents 1-4&6 also sought link to appear through VC. However, M/s CKS & Associates, the Valuer appointed in this matter sought adjournment for the reason that he could not complete the valuation and file report due to covid pandemic and that the valuation process is expected to complete within three more weeks. Adjourned to **28.6.2021**

16 CP/20/KOB/2021

Learned counsel for the petitioner sought an adjournment as the respondents have not filed their counter in the matter. Learned counsel for respondents intimated their willingness to appear through VC. Adjourned to **5.7.2021**

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

Learned counsel for the applicant/petitioner intimated his willingness to appear through VC. However, learned counsel for the respondents sought adjournment stating that due to covid 19 lockdown in place, they have not been able to access the case files. List on **29.6.2021**.

18 IA/149/KOB/2020 IN TCP/67/KOB/2019

Learned counsel for the applicant/petitioner intimated his willingness to appear through VC. However, learned counsel for the respondents sought adjournment stating that due to covid 19 lockdown in place, they have not been able to access the case files. List on **29.6.2021**.

19 TCP/67/KOB/2019

Learned counsel for the applicant/petitioner intimated his willingness to appear through VC. However, learned counsel for the respondents sought adjournment stating that due to covid 19 lockdown in place, they have not been able to access the case files. List on **29.6.2021**.

20 CP/12/KOB/2020

No response from the learned counsel for the petitioners. However, learned counsel for the respondents sought adjournment stating that due to covid 19 lockdown in place, they have not been able to access the case files. List on **25.6.2021 at 2.30 pm for hearing**.