

NCLT, KOCHI BENCH

Daily Orders – Draft

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

Date: 22nd Jan 2021

1 CP/32/KOB/2020

Learned counsel for the Petitioners Shri Shinu J Pillai appeared through VC. Learned counsel for R1 Smt Telma Raju, learned counsel for R2, R4 to R6 Shri Abraham Cherian, learned counsel for R8 Shri Jayan K and learned GP for R10 Shri Mohammed Fazil also appeared through VC. **Orders pronounced. CP/32/KOB/2020 is dismissed vide separate order.**

2 IA(IBC)/21/KOB/2021 IN TIBA/03/KOB/2019

Learned counsel for the RP Shri Vinod PV appeared through VC. This application is filed by the RP under Sections 30(6) and 31(1) of the IBC, 2016 for approval of the Resolution Plan. Heard and perused the records. **Orders Reserved. List for pronouncement of orders on 29.01.2021.**

3 IBA/11/KOB/2020

Learned counsel for the Financial Creditor Shri Mohan Jacob George as well as the MD of the Corporate Debtor Shri Arun Kumar K appeared through VC. Shri Arun Kumar submitted an email stating that as per the direction of the FC he had submitted the proposal for rescheduling the balance dues on 12.12.2020. Subsequently, he had a meeting with the officials of FC to modify the proposal and based on the discussion, the proposal has been modified and resubmitted as per the direction of the FC officials on 12.01.2021. On 21.01.2021, the FC had sent him a mail confirming the receipt of the modified proposal and asked few more clarifications in the same which will be submitting by him today. The FC informed him that the process of the proposal is progressing and the settlement memo will be submitted to this Tribunal at the earliest.

According to Shri Arun Kumar he had complied all directions from the FC for settlement of the case and rescheduling of the balance amount. He also submitted that copy of the mail has also been sent to the learned counsel of FC.

Heard both sides. It appears from records that this IBA was filed on 05.02.2020, which shows that about one year has already been elapsed. In the name of settlement both the parties have taken adjournments on 17.07.2020, 28.08.2020, 14.10.2020, 19.11.2020, 15.12.2020 and 04.01.2021. Vide our order dated 04.01.2021 both the parties were informed that there shall be no further adjournment in this case. However, even today no settlement memo has been filed. Anyway, the CD has already been paid Rupees one crore to the FC. Therefore, FC is directed to complete the process without any further delay. It is expected that both the parties will co-operate for the early disposal of this case.

List on 05.02.2021 before that date the parties may file their settlement memo, failing which law will take its own course.

4 TCP/40/KOB/2019

Learned counsel for the Petitioner Shri Philip Mathew as well as learned counsel for R3 Shri Shankar P. Panicker appeared through VC. Pleadings are complete. Shri Philip Mathew submitted that the matter related to this case is still pending before the Hon'ble High Court of Kerala. **Hence adjourned to 09.03.2021.**

5 CP/22/KOB/2020

Advocate Praful Surendran submitted an email on behalf of the learned counsel for the Petitioners Shri Aswin Gopakumar seeking time to file rejoinder to the counter. Learned counsel for R2 Shri Gokul RI submitted an email stating willingness to appear through VC. **No representation for other respondents. Adjourned to 24.02.2021.**

6 CP/44/KOB/2020

Learned counsel for the Petitioners Smt Rema Smrithi as well as learned PCS for R1-3 Shri Dhiren R Dave appeared through VC. Shri Dhiren submitted that the petition is time barred and hence not maintainable. He also submitted that since his clients are hospitalised, he could not file the counter and sought two weeks' time to file the counter. Allowed. He may file the counter positively within two weeks. The petitioner may file the rejoinder, if any, before the next date fixed. **List on 19.02.2021.**

7 CONTEMPT PETITION (KOB)/01/2020 IN IA/74/KOB/2019 IN TCP/34/KOB/2019

Learned counsel for the Contempt Petitioner Smt Rema Smrithi as well as learned senior counsel for the R1 to R3 Shri Joseph Kodianthara and learned PCS for R4, R8 to R11 Shri Zibi Jose appeared through VC. None has appeared for other respondents. Heard both sides. **Orders reserved. List for pronouncement of orders on 15.02.2021.**

8 CONTEMPT PETITION(KOB)/02/2020 IN IA/23/KOB/2019 IN TCP/34/KOB/2019

Learned counsel for the Contempt Petitioner Smt Rema Smrithi as well as learned senior counsel for the R1 to R3 Shri Joseph Kodianthara and learned PCS for R4, R8 to R11 Shri Zibi Jose appeared through VC. None has appeared for other respondents. Learned counsel for the Contempt Petitioner submitted that the concerned respondents have already complied with the order passed by this Tribunal and hence she is not pressing the Contempt Petition. In view of the submission of the learned counsel for the Contempt Petitioner, **CONTEMPT PETITION(KOB)/02/2020 IN IA/23/KOB/2019 IN TCP/34/KOB/2019 is dismissed as not pressed.**

9 IA/50/KOB/2019 IN TCP/34/KOB/2019

Learned senior counsel for the Applicant Shri Joseph Kodianthara appeared through VC. Learned counsel for R1 & R2 Shri Rema Smrithi, learned counsel for R13 and learned PCS for R11, R15 to R18 Shri Zibi Jose also appeared through VC. Learned senior counsel for the Applicant submitted that this application can be heard along with the main CP. Adjourned to **24.02.2021 at 2.30 pm** for hearing.

10 IA/66/KOB/2020 IN TCP/34/KOB/2019

Learned counsel for the Applicants Smt Rema Smrithi appeared through VC. Learned senior counsel for R1 to R3 and learned PCS for R4, R8 to R11 Shri Zibi Jose also appeared through VC. Both the parties submitted that this application can be heard along with the main CP. Adjourned to **24.02.2021 at 2.30 pm** for hearing.

11 IA/67/KOB/2020 IN TCP/34/KOB/2019

Learned counsel for the Applicants Smt Rema Smrithi appeared through VC. Learned senior counsel for R1 to R3 Shri Joseph Kodianthara and learned PCS for R4, R8 to R11 Shri Zibi Jose also appeared through VC. Both the parties submitted that this application can be heard along with the main CP. Adjourned to **24.02.2021 at 2.30 pm** for hearing.

12 **IA/204/KOB/2020 IN TCP/34/KOB/2019**

Learned senior counsel for the Applicant Shri Joseph Kodianthara appeared through VC. Learned counsel for R1 & R2 Shri Rema Smrithi appeared through VC. Smt Rema Smrithy submitted that she will file the counter within a week. She may do so positively within one week. Adjourned to **24.02.2021 at 2.30 pm** for hearing.

13 **TCP/34/KOB/2019**

Learned counsel for the Petitioners Smt Rema Smrithi appeared through VC. Learned senior counsel for R1 to R3 Shri Joseph Kodianthara and learned PCS for R4, R8 to R11 Zibi Jose also appeared through VC. List on **24.02.2021 at 2.30 pm** for final hearing. Before that date both the parties are directed to submit their Argument Brief (within 5 pages) in this case.

14 **TIA/131/KOB/2020 (CA/228/CHENNAI BENCH) IN TCP/53/KOB/2019
(CP/33/2017/CHENNAI BENCH)**

Learned counsel for the Applicants Smt Rema Smrithi appeared through VC. Learned senior counsel for R1 to R3 Shri Joseph Kodianthara and learned PCS for R4, R8 to R11 Shri Zibi Jose also appeared through VC. List on **24.02.2021 at 2.30 pm for final hearing.**

15 **TCP/53/KOB/2019 (CP/33/17)**

No representation for the petitioner. Shri Joseph Kodianthara, learned Sr.Counsel for R1&3 and Shri Sureshkumar, learned counsel appeared for R2 through VC. Adjourned to **24.2.2021 at 2.30 pm.**

16 **CP/122/KOB/2019**

Shri Sureshkumar appeared on behalf of the petitioner and the learned senior counsel for R1 Shri Joseph Kodianthara and learned PCS for R2 Shri Zibi Jose also appeared through VC. **Adjourned on 09.02.2021 at 2.30 pm for further hearing as PART HEARD.**

17 **CA/4/KOB/2021**

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

orders on 05.02.2021, before that date the Appellant is directed to submit before this Tribunal, the copy of their Income Tax return/acknowledgement.

18 IA(IBC)/17/KOB/2021 IN IBA/26/KOB/2020

Learned counsel for the applicant Shri Reji George appeared through VC. Even though link was provided, the learned counsel for respondents stated his inability to attend the VC due to some technical problems in his computer. He sought short adjournment. List along with the **IBA on 15.2.2021 at 2.30 pm.**

19 IBA/26/KOB/2020

Learned counsel for the applicant Shri Reji George appeared through VC. Even though link was provided, the learned counsel for respondents stated his inability to attend the VC due to some technical problems in his computer. He sought short adjournment. However, the learned counsel for the applicant Shri Reji George opposed the adjournment. Hence the matter was taken up for arguments. The learned counsel argued his part and concluded. List **the case on 15.2.2021 at 2.30 pm** for the arguments of the learned counsel for the respondent/corporate debtor. Since this is an IBC matter, this Tribunal cannot keep the matter pending for long. Hence the counsel for the respondents is directed to appear and argue the matter on the next date fixed, failing which the matter will be decided on the basis of available records.