

NCLT, KOCHI BENCH

Daily Orders – Draft

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

Date: 22nd March 2021

1 IA/34/KOB/2021 IN TIBA/03/KOB/2019

Learned counsel for the Applicant Shri B. Ashok Shenoy as well as learned counsel for the RP Shri Vinod PV Appeared through VC. Orders pronounced. **IA/34/KOB/2021 IN TIBA/03/KOB/2019 stands dismissed vide separate order.**

2 IA(IBC)/39/KOB/2021 IN TIBA/03/KOB/2019

Learned counsel for the Applicant Shri B. Ashok Shenoy as well as learned counsel for the RP Shri Vinod PV Appeared through VC. Orders pronounced. **IA/39/KOB/2021 IN TIBA/03/KOB/2019 stands dismissed vide separate order.**

3 CP(CAA)/03/KOB/2020

None has appeared for the petitioners. Orders pronounced. **CP(CAA)/03/KOB/2020 is allowed vide separate order.**

4 CA(CAA)/01/KOB/2021

Learned PCS for the Applicants Shri P.P.Zibi Jose appeared through VC. This is a joint application filed by the Transferor Company and Transferee Company under Section 230/232 of the Companies Act, 2013 for direction from this Tribunal for convening the meeting of the Shareholders and creditors and publication of notices for the same in the matter of Scheme of Merger of the Applicant Companies.

List on 08.04.2021 for hearing.

5 IA(IBC)/67/KOB/2021 IN IBA/51/KOB/2019

Learned counsel for the RP Shri Vinod PV appeared through VC. This is an IA filed by the RP under Section 12(2) of IBC, 2016 seeking extension of 90 days in the matter of CIR Process against the CD. Heard and perused the records. **IA(IBC)/67/KOB/2021 IN IBA/51/KOB/2019 is disposed of vide separate sheets.**

6 CA/35/KOB/2021 IN TCP/55/KOB/19 (C.P.172 OF 2019)

Learned counsel for the Applicants Shri Santhosh Mathew as well as learned senior counsel for R1 Shri Joseph Kodianthara and learned counsel for R2 to R5 Shri Harikumar G. Nair appeared through VC.

This CA is filed under Section 244(1) of the Companies Act, 2013 read with Rules 11 and 32 of the NCLT Rules, 2016 seeking permission of this Tribunal to appoint Shri Mithun Abraham Joseph as a Director in the R1 Company in place of Shri Reji Abraham. The applicants are R2 to R6 in the main CP. Shri Mithun Abraham Joseph is the son of the 1st Applicant / R3.

Learned counsel for the applicants as well as learned senior counsel for R1 submitted that the 1st Applicant/R3 Shri Reji Abraham is critically ill with end stage pancreatic cancer and hence this CA is filed to appoint his son in his place in the R1 Company.

It appears from records that vide order dated 26.09.2019 in TIA/7/KOB/2019 this Tribunal has ordered to maintain status quo as of 26.09.2019 in regard to the composition of the Board of Directors of the R1 Company consisting of (i) Mr. Joseph Zachariah, (ii) Mr. Mani Koduvirachira Thomas, (iii) Mr. Vijoo Zachariah, (iv) Mr. Joseph Koduvirachira Thomas, (v) Mr. Sajan Koduvirachira Thomas, (vi) Mr. Reji Abraham, (vii) Mr. Reji Koduvirachirayil Joseph, (viii) Mr. Thomas Koduvirachira Thomas and (ix) Ms Rebecca Mathew until further orders

Shri Harikumar G. Nair, appearing for the petitioners in the main case, sought a short adjournment to enable him to obtain instructions from his client. Since this CA is filed for the replacement of a Director, respondents are directed to file their objection, if any, before the next date fixed. List on **26.04.2021 for hearing**.

Registry is directed to issue copy of this order to the learned counsel of both the parties through Email.

7 CONTEMPT PETITION/05/KOB/2020 IN IA/31/KOB/2020 IN CP/69/KOB/2019

Learned Counsel of both the parties sought an adjournment through email. **Adjourned to 26.04.2021.**

8 IA/32/KOB/2019 IN CP/69/KOB/2019

Learned Counsel of both the parties sought an adjournment through email. **Adjourned to 26.04.2021.**

9 CP/69/KOB/2019

Learned Counsel of both the parties sought an adjournment through email.
Adjourned to 26.04.2021.

10 CONTEMPT PETITION/04/KOB/2020 IN IA/32/KOB/2020 IN CP/71/KOB/2019

Learned Counsel of both the parties sought an adjournment through email.
Adjourned to 26.04.2021.

11 IA/33/KOB/2019 IN CP/71/KOB/2019

Learned Counsel of both the parties sought an adjournment through email.
Adjourned to 26.04.2021.

12 CP/71/KOB/2019

Learned Counsel of both the parties sought an adjournment through email.
Adjourned to 26.04.2021.

13 CONTEMPT PETITION/03/KOB/2020 IN IA/33/KOB/2020 IN CP/72/KOB/2019

Learned Counsel of both the parties sought an adjournment through email.
Adjourned to 26.04.2021.

14 IA/34/KOB/2019 IN CP/72/KOB/2019

Learned Counsel of both the parties sought an adjournment through email.
Adjourned to 26.04.2021.

15 CP/72/KOB/2019

Learned Counsel of both the parties sought an adjournment through email.
Adjourned to 26.04.2021.

16 IA/168/KOB/2020 IN CP/107/(KOB)/2019

Learned counsel for the applicants Shri Vijay V. Paul appeared through VC. Learned counsel for R1 Shri P.V.George and learned counsel for R2 Shri M. Sreekumar also appeared through VC. None has appeared for other respondents. None has filed the counter in this IA. The matter will be heard along with the main CP.

Adjourned to 28.04.2021.

17 CP/107/(KOB)/2019

Learned counsel for the applicants Shri Vijay V. Paul appeared through VC. Learned counsel for R1 Shri P.V.George and learned counsel for R2 Shri M. Sreekumar also appeared through VC.

It appears that counter has already been filed by R1 & R2. However, even after the specific order dated 3.02.2021 directing the respondents 4&5 to file the counter within 3 weeks, counter of R4 & R5 have not yet been filed. **They had not sought link to appear through VC. It is presumed that they have no intention to file a reply. Hence the right of Respondents 4 & 5 to file the counter stands struck off.**

Vide order dated 03.02.2021, R1 was directed to provide the proof of conduct of AGMs, EGMs and Board Meetings of the Company for the period from 2008 to 2018 and to provide the proof of service of notice on the petitioners within two weeks from 17.12.2020. Shri P.V.George submitted that R1 has already made the required application before the Magistrate Court in this regard and expects to obtain the said voluminous documents (approximately more than 1000 pages) within 10 days and hence he sought an adjournment of 15 days to submit the said documents. R1 is directed to file the aforesaid documents positively within 15 days.

Adjourned to 28.04.2021.