

NCLT, KOCHI BENCH

Daily Orders – Draft

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

Date: 23rd Feb 2021

1 IA(IBC)18/2021 IN TIBA/14/KOB/2019

Learned RP Shri Sasitaran Ramaswamy appeared through VC along with his learned counsel Shri Vinod PV. This is an application filed by the RP for liquidation of the Corporate Debtor. Shri Vinod submitted that 180 days has already been taken by the RP to complete the Corporate Insolvency Resolution Process excluding the 222 days of lockdown period.

I have perused the whole case records. It appears that CoC has duly recommended for liquidation of the Corporate Debtor and also recommended the name of Shri Sasitaran Ramaswamy, RP as the Liquidator.

Reserved for orders. List for pronouncement of orders on 05.03.2021.

2 MA/203/KOB/2020 IN TIBA/14/KOB/2019

Learned RP as well as learned counsel for the Respondents Shri Sharad Kodianthara appeared through VC. Counter has already been filed by the Respondents. Learned RP sought time to file rejoinder. He may do so within two weeks positively. List on **15.03.2021** for hearing.

3 MA/204/KOB/2020 IN TIBA/14/KOB/2019

Learned RP as well as learned counsel for the Respondents Shri Sharad Kodianthara appeared through VC. Counter has already been filed by the Respondents. Learned RP sought time to file rejoinder. He may do so within two weeks positively. List on **15.03.2021 for hearing**. Registry is directed to issue copy of this order to the learned counsel of both the parties through Email.

4 IBA/31/KOB/2020

Learned counsel for the Financial Creditors Shri Niranjan Sudhir submitted an email seeking an adjournment stating that the counsel for FC is unable to appear in the matter owing to an urgent posting before the Hon'ble High Court of Kerala which is expected to run concurrently with the proceedings of this Tribunal. Learned counsel

for the respondent Shri Padmanabh Sethunath submitted an email stating willingness to appear through VC. Adjourned to **03.03.2021**.

5 CP/IB/1/KOB/2021

Learned counsel for the Financial Creditors Shri Prashant Kumar as well as learned counsel for the Corporate Debtor Shri P.V.Vinod appeared through VC. Shri Vinod sought an adjournment to file the counter. He may file the counter positively within 10 days. **Shri Vinod also submitted that settlement talks are under progress in this case.** The submission of Shri Vinod is noted. The FC may file his rejoinder, if any, before the next date fixed. List on **08.03.2021 for hearing**. Registry is directed to issue copy of this order to the Id. counsel of both the parties through email.

6 CP/121/KOB/2019

Learned counsel for the Petitioner Ms Riya Jacob appeared through VC. None has appeared for the Respondents. Ms Riya Jacob submitted that there are only two Directors in the R1 Company, ie. Mr. Joseph Alappatt and Mrs Treesa Toby Alappatt. However, in the application for impleadment the name of Mrs Treesa Toby Alappat was shown as Mrs Toby Alappat. The learned counsel for the Petitioner submitted that she will file an affidavit showing the correct name of the Impleaded Respondents. She may do so within a week. The Petitioner is directed to issue fresh notice to Mrs. Treesa Toby Alappat through email and Registered Post with A/D and submit proof of service (enclosing AD card or track report) with an affidavit before the next date fixed. List on **10.03.2021**.

7 TCP/81/KOB/2019

Learned counsel for the Petitioner Shri Philip Mathew as well as learned counsel for the Respondents Ms Medha Rao appeared through VC. Ms Madha Rao sought an adjournment to enable her senior to argue the case. This is a part heard case where the learned counsel for the petitioner has already completed his arguments and the learned counsel for the Respondents Shri T.K.Bhaskar has also argued partly during the last date of hearing. Meanwhile registry informed that Shri T.K.Bhaskar has requested to pass over the matter to the 2nd half. But there is no room to include this case for hearing in the 2nd half today. Therefore, we allow the request for adjournment. List on **25.02.2021 at 2.30 pm** for final hearing (**part heard**). Registry is directed to issue copy of this order to the learned counsel for both the parties through email.

8 TCA/29/KOB/19

Learned counsel for the Petitioner Shri Gokul Ashok as well as learned counsel for the R2 and R3 Shri Philip Mathew appeared through VC. Adjourned to **25.02.2021 at 2.30 pm for final hearing (part heard).**

9 CP/98/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R2 Shri Sanjay, learned PCS for R3 Shri P.P.Zibi Jose and learned counsel for R4 Shri Sumit Agarwal appeared through VC. Since it was decided to take up the matters under Section 241-242 first, this matter is adjourned to **24.3.2021 for hearing.**

10 CONTEMPT PETITION/08/KOB/2020 IN CP/99/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R2 Shri Sanjay, learned PCS for R3 Shri P.P.Zibi Jose and learned counsel for R4 Shri Sumit Agarwal appeared through VC. Since it was decided to take up the matters under Section 241-242, this matter is adjourned to **24.3.2021 for hearing.**

11 CP/99/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R2 Shri Sanjay, learned PCS for R3 Shri P.P.Zibi Jose and learned counsel for R4 Shri Sumit Agarwal appeared through VC. Since it was decided to take up the matters under Section 241-242, this matter is adjourned to **24.3.2021 for hearing.**

12 CP/100/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R2 Shri Sanjay, learned PCS for R3 Shri P.P.Zibi Jose and learned counsel for R4 Shri Sumit Agarwal appeared through VC. Since it was decided to take up the matters under Section 241-242, this matter is adjourned to **24.3.2021 for hearing.**

13 CP/101/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R2 Shri Sanjay, learned PCS for R3 Shri P.P.Zibi Jose and learned counsel for R4 Shri Sumit Agarwal appeared through VC. Since it was decided to take up the matters under Section 241-242, this matter is adjourned to **24.3.2021 for hearing.**

14 **CP/102/KOB/2019**

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R2 Shri Sanjay, learned PCS for R3 Shri P.P.Zibi Jose and learned counsel for R4 Shri Sumit Agarwal appeared through VC. Since it was decided to take up the matters under Section 241-242, this matter is adjourned to **24.3.2021 for hearing.**

15 **CP/103/KOB/2019**

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R2 Shri Sanjay, learned PCS for R3 Shri P.P.Zibi Jose and learned counsel for R4 Shri Sumit Agarwal appeared through VC. Since it was decided to take up the matters under Section 241-242, this matter is adjourned to **24.3.2021 for hearing.**

16 **IA/58/KOB/2019 IN CP/114/KOB/2019**

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R2 Shri Sanjay, learned PCS for R3 Shri P.P.Zibi Jose and learned counsel for R4 Shri Sumit Agarwal appeared through VC. List along with **CP 114/KOB/2019 on 9.3.2021.**

17 **IA 83/KOB/2020 IN CP/114/KOB/2019**

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R2 Shri Sanjay, learned PCS for R3 Shri P.P.Zibi Jose and learned counsel for R4 Shri Sumit Agarwal appeared through VC. List along with **CP 114/KOB/2019 on 9.3.2021.**

18 **IA/87/KOB/2020 IN CP/114/KOB/2019**

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R2 Shri Sanjay, learned PCS for R3 Shri P.P.Zibi Jose and learned counsel for R4 Shri Sumit Agarwal appeared through VC. List along with **CP 114/KOB/2019 on 9.3.2021.**

19 **IA/95/KOB/2020 IN CP/114/KOB/2019**

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R2 Shri Sanjay, learned PCS for R3 Shri P.P.Zibi Jose and learned counsel for R4 Shri Sumit Agarwal appeared through VC. List along with **CP 114/KOB/2019 on 9.3.2021.**

20 CP/114/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R2 Shri Sanjay, learned PCS for R3 Shri P.P.Zibi Jose and learned counsel for R4 Shri Sumit Agarwal appeared through VC.

Today item Nos.9 to 34 are posted for final hearing. It appears that these cases are consisting of three class viz., Under Section 96-97, Section 241-242 and Section 59(1) of the Companies Act. Along with these cases there are some IAs also pending for consideration. It was decided to take those IAs along with the main CPs when final hearing is taken up.

I have heard the learned counsel for both the parties. Learned counsel Shri Sukuman N.Oommen submitted that the cases under Section 241-242 may be taken up for hearing first. Learned counsel for the respondents stated that IAs 169/20, 170.20 and 171/20 in which arguments were heard have been posted for pronouncement of orders on 26.2.2021. Hence, they prayed that only after pronouncement of orders in those matters, the present matters may be taken up, as those IAs are directly related to these cases.

Hence this Tribunal adjourn the hearing of these matters. It is decided to take the matter under Section 241/242 (CP 114/2019, CP 119/2019 and CP 125/2019) on 9.3.2021 along with its connected IAs and the remaining matters will be posted for hearing on the subsequent days.

It is expected that both parties will cooperate for early disposal. Registry is directed to communicate this order to the learned counsel for the petitioner and respondents who appeared today.

List on 9.3.2021 for hearing.

21 IA/65/KOB/2019 IN CP/119/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R2 Shri Sanjay, learned PCS for R3 Shri P.P.Zibi Jose and learned counsel for R4 Shri Sumit Agarwal appeared through VC. . List along with **CP 119/KOB/2019 on 9.3.2021.**

22 IA/84/KOB/2020 IN CP/119/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R2 Shri Sanjay, learned PCS for R3 Shri P.P.Zibi Jose and learned counsel for R4 Shri Sumit Agarwal appeared through VC. List along with **CP 119/KOB/2019 on 9.3.2021.**

23 IA/86/KOB/2020 IN CP/119/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R2 Shri Sanjay, learned PCS for R3 Shri P.P.Zibi Jose and learned counsel for R4 Shri Sumit Agarwal appeared through VC. List along with **CP 119/KOB/2019 on 9.3.2021.**

24 IA/93/KOB/2020 IN CP/119/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R2 Shri Sanjay, learned PCS for R3 Shri P.P.Zibi Jose and learned counsel for R4 Shri Sumit Agarwal appeared through VC. List along with **CP 119/KOB/2019 on 9.3.2021.**

25 CP/119/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R2 Shri Sanjay, learned PCS for R3 Shri P.P.Zibi Jose and learned counsel for R4 Shri Sumit Agarwal appeared through VC.

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Hence this Tribunal adjourn the hearing of these matters. It is decided to take the matter under Section 241/242 (CP 114/2019, CP 119/2019 and CP 125/2019) on 9.3.2021 along with its connected IAs and the remaining matters will be posted for hearing on the subsequent days.

It is expected that both parties will cooperate for early disposal.

List on 9.3.2021 for hearing.

26 IA/85/KOB/2020 IN CP/125/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned PCS for R3 Shri P.P.Zibi Jose and learned counsel for R4 Shri Sumit Agarwal appeared through VC. List along with **CP 125/KOB/2019 on 9.3.2021.**

27 IA/88/KOB/2020 IN CP/125/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned PCS for R3 Shri P.P.Zibi Jose and learned counsel for R4 Shri Sumit Agarwal appeared through VC. List along with **CP 125/KOB/2019 on 9.3.2021**

28 IA/94/KOB/2020 IN CP/125/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned PCS for R3 Shri P.P.Zibi Jose and learned counsel for R4 Shri Sumit Agarwal appeared through VC. List along with **CP 125/KOB/2019 on 9.3.2021**

29 CP/125/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R2 Shri Sanjay, learned PCS for R3 Shri P.P.Zibi Jose and learned counsel for R4 Shri Sumit Agarwal appeared through VC.

Today item Nos.9 to 34 are posted for final hearing. It appears that these cases are consisting of three class viz., Under Section 96-97, Section 241-242 and Section 59(1) of the Companies Act. Along with these cases there are some IAs also pending for consideration. It was decided to take those IAs along with the main CPs when final hearing is taken up.

I have heard the learned counsel for both the parties. Learned counsel Shri Sukuman N.Oommen submitted that the cases under Section 241-242 may be taken up for hearing first. Learned counsel for the respondents stated that IAs 169/20, 170/20 and 171/20 in which arguments were heard have been posted for pronouncement of orders on 26.2.2021. Hence, they prayed that only after pronouncement of orders in those matters, the present matters may be taken up, as those IAs are directly related to these cases.

Hence this Tribunal adjourn the hearing of these matters. It is decided to take the matter under Section 241/242 (CP 114/2019, CP 119/2019 and CP 125/2019) on 9.3.2021 along with its connected IAs and the remaining matters will be posted for hearing on the subsequent days.

It is expected that both parties will cooperate for early disposal.

List on 9.3.2021 for hearing.

30 CP/25/KOB/2020

Learned PCS for the petitioner Shri P.P.Zibi Jose appeared through VC. Learned counsel for R2, R4 & R5 Shri Sukumar Nainan Oommen, learned counsel for R1 & R3 Shri Sanjay appeared through VC. **List on 29.3.2021 for hearing.**

31 CP/26/KOB/2020

Learned PCS for the petitioner Shri P.P.Zibi Jose appeared through VC. Learned counsel for R2, R4 7 R5 Shri Sukumar Nainan Oommen, learned counsel for R1 & R3 Shri Sanjay appeared through VC. **List on 29.3.2021 for hearing.**

32 CP/27/KOB/2020

Learned PCS for the petitioner Shri P.P.Zibi Jose appeared through VC. Learned counsel for R2, R4 7 R5 Shri Sukumar Nainan Oommen, learned counsel for R1 & R3 Shri Sanjay appeared through VC. **List on 29.3.2021 for hearing.**

33 CA/64/KOB/2020

Learned counsel for the Applicant Shri P.Sanjay appeared through VC. Learned counsel for R1 Shri Sherry Samuel Oommen, learned counsel for R2, R3 & R5 Shri Sukumar Nainan Oommen, and learned PCS for R4 Shri Zibi Jose appeared through VC. **List on 29.3.2021** for final hearing.

34 CA/84/KOB/2020

Learned PCSfor the Applicant Shri Zibi Jose appeared through VC. Learned counsel for R1 Shri Sherry Samuel Oommen, learned counsel for R2, R3, R5 & R7 Shri Sukumar Nainan Oommen, learned counsel for R4 and Shri P.Sanjay appeared through VC. List for final hearing on 29.3.2021.