

## ***NCLT, KOCHI BENCH***

### **Daily Orders – Draft**

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

**Date: 25<sup>th</sup> March 2021**

#### **1 IA/7(KOB)/2020 IN TCP/7/KOB/19**

Learned counsel for the applicant Shri Rafeek VK appeared through VC. Learned counsel for R1 Shri C.K.Karunakaran and learned counsel for R3 Shri Keerthi Vas Giri also appeared through VC. None has appeared for R2.

This is an IA filed by the Respondents 1 and 2 in the Main TCP/7/KOB/2019 questioning the maintainability of the TCP. This IA will be heard along with the main TCP. **Adjourned to 23.04.2021.**

#### **2 CA/8/KOB/2021 IN TCP/7/KOB/19**

Learned counsel for the applicant Shri C.K.Karunakaran appeared through VC. Learned counsel for R1 & R2 Shri Rafeek VK and learned counsel for R4 Shri Keerthi Vas Giri also appeared through VC. None has appeared for R3.

This CA is filed by the petitioner for amending the TCP. R1 and R2 has filed the counter, but registry reported that the counter is defective due to non E-filing and also non-verification of the affidavit. Shri Rafeek submitted that he will rectify the defects within a week. He may do so. It appears from records that on 2.3.2021 R3 sought two weeks adjournment to file the counter, which was allowed. But R3 has neither filed the counter nor appeared today. R3 is given the **last opportunity to file the counter** within a week.

**List on 23.04.2021 for hearing.** Registry is directed to issue copy of this order to the learned counsel of the respective parties.

#### **3 TCP/7/KOB/19**

Learned counsel for the Petitioner Shri C.K.Karunakaran appeared through VC. Learned counsel for R1 & R2 Shri Rafeek VK and learned counsel for R4 Shri Shri Keerthi Vas Giri also appeared through VC. None has appeared for R3.

**Adjourned to 23.04.2021 for hearing.**

**4 CP/05/KOB/2021**

Learned counsel for the Petitioner Shri Terry V. James as well as learned counsel for R1 & R3 Shri Vijay V. Paul appeared through VC. Shri Vijay V. Paul submitted that though he represents Respondents 1 to 12, vakkalath has been filed for R1 and R3 only. He sought time to file the vakkalath for other respondents since some of the respondents are at US and hence some formalities are required with regard to the attestation of documents, etc. He is directed to file the vakkalath and the counter of respondents within three weeks.

**List on 30.04.2021.**

**5 CP/7/KOB/2021**

Learned counsel for the Petitioner Shri Vijay V. Paul appeared through VC. Advocate Shri Gopalakrishnan appeared through VC for R1 to R3.

Shri Gopalakrishnan submitted that he has received the copy of notice only and the booklet of the petition has not yet been served on him. Shri Vijay V. Paul submitted that the booklet will be handed over to him within a week. He may do so. He is also directed to serve the booklet through Regd A/d / Speed post with A/d to the remaining respondents also and submit proof of service (A/d card or Postal Track Report) with an affidavit before the next date fixed.

Respondents are directed to file their counter within two weeks of receipt of the petition/booklet.

**List on 30.04.2021.** Registry is directed to issue copy of this order to both the counsel through email.

**6 CA/78/KOB/2020**

None has appeared for the applicants. Learned counsel for the R1 & R2 Shri Nebil Nizar appeared through VC. Though counter has been filed for R1 to R4 it is noted that Shri Nebil Nizar has filed vakkalath for R1 and R2 only. Shri Nebil Nizar submitted that he will file the vakkalath for R3 and R4 also within a week. His submission is recorded.

Vide order dated 03.03.2021 the petitioner was directed to file the rejoinder on or before 25.03.2021. Since rejoinder has not been filed till date, and none appeared for the applicant, it is presumed that the petitioner is not interested to file the rejoinder.

Next date is fixed for hearing. Both the parties are directed to file their written submissions before the next date fixed.

**List on 17.05.2021 for hearing.**

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

**7 TCP/81/KOB/2019**

Learned counsel for the Petitioners Shri Philip Mathew as well as learned counsel for the respondents Shri T.K. Bhaskar appeared through VC. Both sides argued for some time. Arguments not completed. Hence list for further arguments on **20.4.2021 as PART HEARD.**

**8 TCA/29/KOB/19**

Learned counsel for the Applicant Shri T. K Bhaskar as well as learned counsel for R2 & R3 Shri Philip Mathew appeared through VC. Both sides argued for some time. Arguments not completed. Hence list for further arguments on **20.4.2021 as PART HEARD.**

**9 IA/63/KOB/2020 IN IBA/240/2019/CB**

Learned counsel for the Applicant Shri S. Easwaran, sent a mail requesting for an adjournment in this matter. Learned counsel for the FC Shri Manoj Ramaswamy and learned counsel for the Liquidator Shri A.G.Sathyanarayana intimated their willingness to appear through VC. Since the applicant is not ready to argue the matter, the matter is adjourned to **18.05.2021 at 2.30 PM** for final hearing.

**Submission made by Shri Vijay V. Paul, Advocate on 25.03.2021 in the case of CA/35/KOB/2021 IN TCP/55/KOB/19 (C.P.172 OF 2019)**

During the consideration of case No. CP/05/KOB/2021 today, Shri Vijay V. Paul made a submission with regard to CA/35/KOB/2021 IN TCP/55/KOB/19 (C.P.172 of 2019), which was heard on 22.03.2021. He submitted that due to the cause of urgency, this Bench ordered to post the said CA/35/KOB/2021 on 26.03.2021. But in the Daily Order the same is shown as posted on 26.04.2021.

On verification of posting diary, it is seen that the submission of the learned counsel is correct that there is a typographical error occurred in the daily order dated 22.3.2021.

Registry is directed to list the CA/35/KOB/2021 in TCP/55/KOB/19 (CP 172 of 2019) on **26.03.2021 instead of 26.4.2021**. Since this CA is filed for the replacement of a Director and there is an urgency in the matter, respondents are directed to file their objection, if any, before 26.03.2021.

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