

NCLT, KOCHI BENCH

Daily Orders – Draft

Date: 26th July 2021

In the Bench of: **Shri Ashok Kumar Borah, Member (Judicial) &
Shri Rajesh Sharma, Member (Technical)**

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

Both the parties appeared through VC. Today the case is posted for pronouncement of orders. Since the Order is not ready, the **pronouncement of Order is postponed. Date of pronouncement will be intimated later.**

2 CP(IB)/4/KOB/2021

Both the parties appeared through VC. Today the case is posted for pronouncement of orders. Since the Order is not ready, the **pronouncement of Order is postponed. Date of pronouncement will be intimated later.**

3 CP/30/KOB/2021

Learned counsel for the Petitioners Smt. Rema Smrithi V.K. appeared through VC. None appeared for the respondents.

This is a CP filed by the Petitioners seeking 5 reliefs, which include a direction to the ROC. But ROC has not been made a party in this case.

Smt. Rema Smrithi sought time to file an IA to implead ROC in this CP. She may do so within a week.

In the meantime, the petitioners are directed to issue fresh notice to the respondents through Registered Post with A/D and submit proof of service (A/d card or Postal Track Report) with an affidavit before the next date fixed. Registry is also directed to issue notice to the respondents through email. Respondents may file their counter within two weeks.

List on 18.08.2021.

4 CP/31/KOB/2021

Learned PCS for the Petitioner Shri Sandeepkumar appeared through VC. None appeared for the respondents.

This is a CP filed by the Petitioners seeking 10 main reliefs and 8 interim reliefs, which include a direction to the ROC. But ROC has not been made a party in this case.

Shri Sandeepkumar sought time to file an IA to implead ROC in this CP. He may do so within a week.

In the meantime, the petitioner is directed to issue fresh notice to the respondents through Registered Post with A/D and submit proof of service (A/d card or Postal Track Report) with an affidavit before the next date fixed. Registry is also directed to issue notice to the respondents through email. Respondents may file their counter within two weeks. **List on 18.08.2021**

5 CA(IBC)/1/KOB/2021 IN IBA/258/CB/2019

None appeared for the Applicant. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

6 CA(IBC)/2/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

7 CA(IBC)/3/KOB/2021 IN IBA/258/CB/2019

None appeared for the Applicant. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

8 CA(IBC)/4/KOB/2021 IN IBA/258/CB/2019

None appeared for the Applicant. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter within two weeks.

List on 01.09.2021 for hearing.

9 CA(IBC)/5/KOB/2021 IN IBA/258/CB/2019

None appeared for the Applicant. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter within two weeks.

List on 01.09.2021 for hearing.

10 CA(IBC)/6/KOB/2021 IN IBA/258/CB/2019

None appeared for the Applicant. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter within two weeks.

List on 01.09.2021 for hearing.

11 CA(IBC)/7/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

12 CA(IBC)/8/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

13 CA(IBC)/9/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

14 CA(IBC)/10/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

15 CA(IBC)/11/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

16 CA(IBC)/12/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

17 CA(IBC)/13/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

18 CA(IBC)/14/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

19 CA(IBC)/15/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

20 CA(IBC)/16/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

21 CA(IBC)/17/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.**22 CA(IBC)/18/KOB/2021 IN IBA/258/CB/2019**

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.**23 CA(IBC)/19/KOB/2021 IN IBA/258/CB/2019**

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.**24 CA(IBC)/20KOB/2021 IN IBA/258/CB/2019**

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.**25 CA(IBC)/21/KOB/2021 IN IBA/258/CB/2019**

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

26 CA(IBC)/22/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

27 CA(IBC)/23/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

28 CA(IBC)/24/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

29 CA(IBC)/25KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

30 CA(IBC)/26/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

31 CA(IBC)/27KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

32 CA(IBC)/28/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

33 CA(IBC)/29/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

34 CA(IBC)/30/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

35 CA(IBC)/31/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

36 CA(IBC)/32/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

37 CA(IBC)/33/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

38 CA(IBC)/34/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

39 CA(IBC)/35/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

40 CA(IBC)36/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

41 CA(IBC)/37/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

42 CA(IBC)/38/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

43 CA(IBC)/39/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

44 CA(IBC)/40/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

45 CA(IBC)/41/KOB/2021 IN IBA/258/CB/2019

Learned counsel for the Applicant Shri Jayesh Pillai appeared through VC. Learned Liquidator Shri Ravindra Chaturvedi appeared through VC along with his learned counsel Shri Akhil Suresh.

This CA has been filed by the applicant to set aside the decision of the Respondent/Liquidator in respect of the claim of the applicant.

The liquidator is directed to file the counter in each CAs within two weeks.

List on 01.09.2021 for hearing.

46 REPORT/61/KOB/2021 IN IA/160/KOB/2020 IN TIBA/8/KOB/2019

Learned Liquidator Shri Aravindakshan Nair R. appeared through VC.

This is a Progress Report submitted by the Liquidator for the Quarter ending 30.06.2021 in the matter of Liquidation Process of the CD.

Perused the Report. **Report is taken on record. Registry shall place it on record.**

47 REPORT/62/KOB/2021 IN MA/05/KOB/2020 IN TIBA/01/KOB/2019

Learned liquidator Shri Shawn Jeff Christopher appeared through VC.

This is the Report submitted by the liquidator for the period 01-04-2021 to 30.06.2021 (6th quarter) in the matter of Liquidation Process of the CD.

Perused the Report. **Report is taken on record. Registry shall place it on record.**

48 CA/10/KOB/2021

Learned counsel for the Appellant Shri Vinod PV appeared through VC. Shri Ramesh appeared through VC for ROC.

The reply filed on 21.06.2021 by ROC is on record.

The Appellant is directed to submit the Balance Sheets of the Appellant Company for the Financial Years 2016-17, 2017-18, 2018-19 and 2019-20 within three weeks.

Shri Ramesh submitted that a revised report in this matter will be submitted by ROC within a week. He may do so.

List on 03.09.2021.

49 IA(IBC)/88/KOB/2021 IN IBA/46/KOB/2019

Learned counsel for the applicant/CD Shri Santhosh Mathew as well as learned Senior counsel for the respondent/FC Shri Joseph Kodianthara appeared through VC.

List on 09.08.2021 as Part Heard.

50 IBA/46/KOB/2019

Learned Senior counsel for the FC Shri Joseph Kodianthara as well as learned counsel for the CD Shri Santhosh Mathew appeared through VC.

Heard partly.

The learned counsels for the parties are directed to screen share the documents while the arguments are taken place. The learned counsel for both parties submitted that they will forward a hard copy of their documents to the Mumbai Bench for the easy perusal of the documents by the Member (Technical).

List on 09.08.2021 as Part Heard.

51 REPORT/60/KOB/2021 IN MA/30/KOB/2019 IN IA/71/KOB/2019 IN IBA/240(IB)/2019

Learned Liquidator Shri Mahalingam Sureshkumar appeared through VC.

This is the Sixth Progress Report submitted by the Liquidator for the quarter 1.04.2021 to 30.6.2021 in the matter of liquidation Process of the CD.

Perused the Report. **Report is taken on record. Registry shall place it on record.**

52 IA/63/KOB/2020 IN IBA/240/2019/CB

Learned counsel for the applicant Shri S.Easwaran as well as learned counsel for the Liquidator Shri A.G.Sathyanarayana appeared through VC.

Vide Judgement dated 09.04.2021 in WP(C) No.4672/2021(H) the Hon'ble High Court of Kerala has set aside the Order of this Tribunal dated 01.02.2021 in MA/76/KOB/2020 to the extent it allows the Liquidator to add the mortgaged land of the Petitioners into the Liquidation Estate. This Tribunal was directed to pass orders afresh on the issue of inclusion of the said land in the Liquidation Estate, in the light of the observations made in the above Judgement, after giving an opportunity of hearing to the Petitioners, as expeditiously as possible. The Hon'ble High Court of Kerala has also made clear that the Judgement shall not be taken as one expressing any opinion on merits as to the inclusion of the properties of the Petitioners in the Liquidation Estate.

In view of the above Judgement of the Hon'ble High Court of Kerala, Registry is directed to list this IA along with MA/76/KOB/2020 in IBA/240/2019/CD on 06.08.2021 so as to hear the matter afresh.

53 IBA/11/KOB/2020

Learned counsel for the FC Shri Mohan Jacob George as well as learned counsel for the CD Shri Abraham Mathew appeared through VC.

Today the case is posted for considering the settlement memo. But both the parties submitted that the settlement in this case has not been materialised.

Since the settlement talks have been failed Shri Abraham Mathew sought an adjournment to file the counter.

Since the application has been filed about 1 and half years back and this being an IBC matter, which was adjourned as both the parties stated that there is a settlement proposal between them, and now they stated that the settlement proposal is not materialised, the only course is to hear the parties and pass appropriate orders. It is seen that the respondent did not file counter to this IBA till date. At the request of the learned counsel for the respondent, the respondent is given one week's time to file his counter. It is made clear that no further time will be granted for filing counter and if the counter is not filed within a week, the matter will be disposed of on the basis of available records. If reply is filed, rejoinder, if any of FC may be filed within two days thereafter.

List on 06.08.2021 for final hearing/disposal.

54 CP(IB)/10/KOB/2021

Learned counsel for the Operational Creditor Shri S.V.Ramakrishna as well as learned counsel for the Corporate Debtor Shri Vipin Varghese appeared through VC.

Shri Ramakrishna submitted that he has filed an IA on 22.07.2021 in this matter, but the same is not listed today.

Registry is directed to list this CP(IB) along with the said IA, if it is in order, on 09.08.2021.

55 MA/209/KOB/2020 IN TCP/8/KOB/2019

Learned counsel for the Applicant Shri Kousik Sharma as well as learned counsel for the R1 to R4 Shri A.M.Sridharan appeared through VC.

Shri Sridharan submitted that the appeal filed in this matter has been posted before Hon'ble NCLAT on 23.08.2021 and hence sought an adjournment. Request is Allowed.

List on 08.09.2021 for hearing.

56 TIA/103/KOB/2020 IN TCP/08/KOB/2019

Learned counsel for the Applicant Shri Kousik Sharma as well as learned counsel for the R1 to R4 Shri A.M.Sridharan appeared through VC.

Shri Sridharan submitted that the appeal filed in this matter has been posted before Hon'ble NCLAT on 23.08.2021 and hence sought an adjournment. Request is Allowed.

List on 08.09.2021 for hearing.

57 TCP/8/KOB/2019

Learned counsel for the Applicant Shri Kousik Sharma as well as learned counsel for the R1 to R4 Shri A.M.Sridharan appeared through VC.

Shri Sridharan submitted that the appeal filed in this matter has been posted before the Hon'ble NCLAT on 23.08.2021 and hence sought an adjournment. Request is Allowed.

List on 08.09.2021 for hearing.

58 TCP/11/KOB/2019

Learned counsel for the Petitioner Shri A.M.Sridharan as well as learned counsel for the R2, R3 & R5 Shri Kousik Sharma appeared through VC. None appeared for R1 & R4.

Shri Sridharan submitted that the appeal filed in this matter has been posted before Hon'ble NCLAT on 23.08.2021 and hence sought an adjournment. Request is allowed.

List on 08.09.2021 for hearing.

59 TCP/52/KOB/2019 (CP/7/2017)

Learned counsel for the Petitioner Ms Pushpitha as well as learned counsel for R1-R4, R5.1, R5.2, R5.3, R6, R12 & R13 Ms Anupama Sibi appeared through VC.

At the request of both the parties, adjourned to 09.09.2021.

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

None appeared for both the parties. List on 09.09.2021.

61 CP/98/KOB/2019

Learned counsel for the Petitioner Shri Sherry Samuel Oommen appeared through VC. Learned PCS for R4 Shri Zibi Jose also appeared through VC. None appeared for R3.

Since 241-242 cases related to this case are posted on 28.07.2021, and there was a direction to hear these matters after hearing the 241-242 cases, this CP will be heard after hearing those cases.

List on 10.09.2021 for hearing.

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

Learned counsel for the Contempt Petitioner Shri Sukumar Nainan Oommen appeared through VC. None appeared for the Respondent.

Since 241-242 cases related to this case are posted on 28.07.2021, and there was a direction to hear these matters after hearing the 241-242 cases, this CP will be heard after hearing those cases.

List on 10.09.2021 for hearing.

63 CP/99/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan appeared through VC. Learned PCS for R3 Shri Zibi Jose also appeared through VC. None appeared for R4.

Since 241-242 cases related to this case are posted on 28.07.2021, and there was a direction to hear these matters after hearing the 241-242 cases, this CP will be heard after hearing those cases.

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List on 10.09.2021 for hearing.

64 CP/100/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan appeared through VC. Learned PCS for R3 Shri Zibi Jose also appeared through VC. None appeared for R4.

Since 241-242 cases related to this case are posted on 28.07.2021, and there was a direction to hear these matters after hearing the 241-242 cases, this CP will be heard after hearing those cases.

List on 10.09.2021 for hearing.

65 CP/101/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan appeared through VC. Learned PCS for R3 Shri Zibi Jose also appeared through VC.

Since 241-242 cases related to this case are posted on 28.07.2021, and there was a direction to hear these matters after hearing the 241-242 cases, this CP will be heard after hearing those cases.

List on 10.09.2021 for hearing.

66 CP/102/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan appeared through VC. Learned PCS for R3 Shri Zibi Jose also appeared through VC. None appeared for R4.

Since 241-242 cases related to this case are posted on 28.07.2021, and there was a direction to hear these matters after hearing the 241-242 cases, this CP will be heard after hearing those cases.

List on 10.09.2021 for hearing.

67 CP/103/KOB/2019

Learned counsel for the Petitioner Shri Sukumar Nainan appeared through VC. Learned PCS for R3 Shri Zibi Jose also appeared through VC.

Since 241-242 cases related to this case are posted on 28.07.2021, and there was a direction to hear these matters after hearing the 241-242 cases, this CP will be heard after hearing those cases.

List on 10.09.2021 for hearing.

68 CP/39/KOB/2020

Learned counsel for the Petitioner Shri Jerin Asher Sojan as well as learned counsel for R2 Shri Navod Prasannan and learned counsel for R3 Shri K.V.Krishnakumar appeared through VC.

Shri Jerin Asher Sojan sought an adjournment to file the rejoinder.

It is noticed that at the time of admission of this CP vide order dated 22.10.2020 the respondents were directed to maintain status quo as on 22.10.2020 with regard to the shareholding pattern of the R1 Company until further orders.

R2 and R3 filed the counter on 05.03.2021 and 09.03.2021 respectively. R2 in his counter stated among other things that he has not acted in prejudicial and detrimental manner or indulged in any oppression or mismanagement of R1 Company. The Management of R1 Company was jointly done by the Petitioner and R2. According to R2, the petitioner is not entitled to any of the reliefs as prayed for in the Company Petition.

Records show that the petitioner had sought adjournments to file rejoinder on several occasions from 9.3.2021. Vide order dated 01.04.2021 the petitioner was directed to file the rejoinder within 2 weeks.

Even after more than four months after receipt of the counter, the petitioner has not filed the rejoinder. The act on the part of the petitioner is only to prolong the case by seeking further time to file the rejoinder which is not at all justifiable and hence this Tribunal cannot adjourn the matter indefinitely for filing rejoinder. The request of the learned counsel for the Petitioner for an adjournment to file the rejoinder is granted on the condition that the petitioner pays the costs of Rs.10,000/- **(Rupees ten thousand only) through Bharatkosh** to the accounts of "Ministry of

Corporate Affairs” within a week from today and submit proof of payment along with an affidavit before the next date of hearing. The Petitioner is also directed to file rejoinder, if any, within a week.

Registry is directed to issue copy of this order to the learned counsel of both the parties through email. **List on 10.09.2021 for hearing. There shall be no further adjournment in this case.**