

NCLT, KOCHI BENCH

Daily Orders – Draft

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

Date: 26th April 2021

1 IA(IBC)/75/KOB/2021 IN TIBA/19/KOB/2019

Learned RP Shri Jain Jose appeared through VC. Today the case is posted for pronouncement of orders. It appears that though RP submitted that 330 days have already been completed in the CIR Process, records show that RP has availed 270 days for CIR Process as on 11.03.2021. It is also noted that RP is not authorised to file any application under 60(5) of IBC 2016 by the CoC.

RP is directed to clarify the above points through filing a memo within 3 days.

The matter is de-reserved and released from pronouncement of orders. List it for “to be spoken to” on 29.04.2021.

2 CA/11/KOB/2021

Learned counsel for the Appellant Shri Cyriac Tom appeared through VC. This is an Appeal filed by the Appellant for restoring the name of the Appellant Company in the Register of ROC. The documents submitted by the Appellant in his Appeal include the following:

- (i) Master Data
- (ii) Memorandum of Association and Articles of Association
- (iii) Latest Income Tax Return acknowledgement
- (iv) Financial Statements for the year 2015-16, 2016-17 & 2017-18

Admitted. Registry is directed to issue notice to ROC through special messenger for his report. **List on 18.05.2021.**

3 CA/12/KOB/2021

Learned counsel for the Appellant Shri Abid Millath appeared through VC. This is an Appeal filed by the Appellant for restoring the name of the Appellant Company in the Register of ROC. The documents submitted by the Appellant in his Appeal include the following:

- (v) Master Data
- (vi) Memorandum of Association and Articles of Association
- (vii) Latest Income Tax Return acknowledgement
- (viii) Pending Audited Balance Sheet & P&L account from 2009-10 to 2019-20

Admitted. Registry is directed to issue notice to ROC through special messenger for his report. **List on 18.05.2021.**

4 IA(IBC)/71/KOB/2021 IN TCP/59/KOB/2019

Learned counsel for the Liquidator Shri Jasin Jose appeared through VC. This is an IA filed by the Liquidator seeking extension of the liquidation period for further period of 6 months with effect from 15.02.2021 and exclusion of the lock down period of 149 days (ie. from 29.03.2020 to 25.8.2020) from the Liquidation period.

Heard the Liquidator and also perused the records. **IA(IBC)/71/KOB/2021 IN TCP/59/KOB/2019 is allowed vide separate sheets.**

5 MA/75/KOB/2020 IN TIBA/31/KOB/2019 & TIBA/10/KOB/2019

Learned RP Shri P.D.Vincent appeared through VC. Learned counsel for R1 & R2 Smt Jesline and learned counsel for R6 Ms Manjula Devi appeared through VC.

Learned RP submitted that the stay order by NCLAT against the order passed by this Tribunal in IA/3/KOB/2020 and IA/4/KOB/2020 dated 12.03.2020 still exists and the case was adjourned by NCLAT on 25.03.2021 to a date after vacation. Since the matter has been stayed by NCLAT, let the matter be adjourned to **10.06.2021**.

6 MA/168/KOB/2020 IN TIBA/31/KOB/2019 & TIBA/10/KOB/2019

Learned RP Shri P.D.Vincent appeared through VC.

Learned RP submitted that the stay order by NCLAT against the order passed by this Tribunal in IA/3/KOB/2020 and IA/4/KOB/2020 dated 12.03.2020 still exists and the case was adjourned by NCLAT on 25.03.2021 to a date after vacation. Since the matter has been stayed by NCLAT, let the matter be adjourned to **10.06.2021**.

7 MA/174/KOB/2020 IN TIBA/31/KOB/2019

Learned counsel for the applicants Smt Jesline and Learned RP Shri P.D.Vincent appeared through VC

Learned RP submitted that the stay order by NCLAT against the order passed by this Tribunal in IA/3/KOB/2020 and IA/4/KOB/2020 dated 12.03.2020 still exists and the case was adjourned by NCLAT on 25.03.2021 to a date after vacation. Since the matter has been stayed by NCLAT, let the matter be adjourned to **10.06.2021**.

8 MA/202/KOB/2020 IN TIBA/31/KOB/2019 & TIBA/10/KOB/2019

Learned counsel for the applicants Shri Bijoy P. Pulipra appeared through VC. Learned RP Shri P.D.Vincent also appeared through VC.

Learned RP submitted that the stay order by NCLAT against the order passed by this Tribunal in IA/3/KOB/2020 and IA/4/KOB/2020 dated 12.03.2020 still exists and the case was adjourned by NCLAT on 25.03.2021 to a date after vacation. Since the matter has been stayed by NCLAT, let the matter be adjourned to **10.06.2021**.

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

Learned Sr Counsel for the Contempt Petitioners Shri Joseph Kodianthara sought an adjournment through email stating that he had to travel to Bangalore on a medical emergency. Learned counsel for R2 Shri Pranoy Harilal also sought an adjournment stating that the appeal is pending before the NCLAT.

Let the matter be adjourned to 10.06.2021.

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

Learned Sr Counsel for the respondents Shri Joseph Kodianthara sought an adjournment through email stating that he had to travel to Bangalore on a medical emergency.

Let the matter be adjourned to 10.06.2021.

11 CP/69/KOB/2019

Learned Sr Counsel for the Petitioners Shri Joseph Kodianthara sought an adjournment through email stating that he had to travel to Bangalore on a medical emergency. Learned counsel for R7 Shri Pranoy Harilal and learned counsel for R3, R4, & R8 Shri Phillip Mathew also sought an adjournment stating that the appeal is pending before the NCLAT.

Let the matter be adjourned to 10.06.2021.

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

Learned Sr Counsel for the Contempt Petitioners Shri Joseph Kodianthara sought an adjournment through email stating that he had to travel to Bangalore on a medical emergency. Learned counsel for R2 Shri Pranoy Harilal also sought an adjournment stating that the appeal is pending before the NCLAT.

Let the matter be adjourned to 10.06.2021.

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

Learned Sr Counsel for the respondents Shri Joseph Kodianthara sought an adjournment through email stating that he had to travel to Bangalore on a medical emergency.

Let the matter be adjourned to 10.06.2021.

14 CP/71/KOB/2019

Learned Sr Counsel for the Petitioners Shri Joseph Kodianthara sought an adjournment through email stating that he had to travel to Bangalore on a medical emergency. Learned counsel for R7 Shri Pranoy Harilal and learned counsel for R3, R4, & R8 Shri Phillip Mathew also sought an adjournment stating that the appeal is pending before the NCLAT.

Let the matter be adjourned to 10.06.2021.

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

Learned Sr Counsel for the Contempt Petitioners Shri Joseph Kodianthara sought an adjournment through email stating that he had to travel to Bangalore on a medical emergency. Learned counsel for R2 Shri Pranoy Harilal also sought an adjournment stating that the appeal is pending before the NCLAT.

Let the matter be adjourned to 10.06.2021.

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

Learned Sr Counsel for the respondents Shri Joseph Kodianthara sought an adjournment through email stating that he had to travel to Bangalore on a medical emergency.

Let the matter be adjourned to 10.06.2021.

17 CP/72/KOB/2019

Learned Sr Counsel for the Petitioners Shri Joseph Kodianthara sought an adjournment through email stating that he had to travel to Bangalore on a medical emergency. Learned counsel for R7 Shri Pranoy Harilal and learned counsel for R3 & R4 Shri Phillip Mathew also sought an adjournment stating that the appeal is pending before the NCLAT.

Let the matter be adjourned to 10.06.2021.

18 CP/124/KOB/2019

Learned Sr Counsel for the Petitioners Shri Joseph Kodianthara sought an adjournment through email stating that he had to travel to Bangalore on a medical emergency. Learned PCS for R1 to R3 submitted that the petitioners are dragging the matter unnecessarily.

Let the matter be adjourned to 10.06.2021.

19 TCP/6/KOB/2019

Learned counsel for the Petitioner Smt. Manjula Devi expressed willingness to appear through VC. However, learned counsel for R2 Shri Anil D. Nair sought an adjournment stating that he is not in a position to appear today.

Let the matter be adjourned to 07.06.2021 at 2.30 PM for hearing.