

NCLT, KOCHI BENCH

Daily Orders – Draft

Date: 28th July 2021

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

1 IA(IBC)/114/KOB/2021 IN IA(IBC)/101/KOB/2021 IN MA/207/KOB/2020 IN IA/129/KOB/2020 IN TIBA/07/KOB/2019

Learned counsel for the applicant Shri Babu Karukapadath as well as learned liquidator Shri Jasin Jose and learned counsel for R2 Shri Mohan Jacob George appeared through VC.

This is an application filed by the applicant/CD to advance the hearing of MA/207/KOB/2020 and IA/101/KOB/2021 pending before this Tribunal from 3.08.2021 to a near date and to consider those applications.

Heard and perused the records.

Since only 3 working days are remaining to the next date of hearing, there is no merit in this IA(IBC)/114/KOB/2021 and hence dismissed.

2 REPORT/65/KOB/2021 IN IA/129/KOB/2020 IN TIBA/07/KOB/2019

Learned liquidator Shri Jasin Jose appeared through VC.

This is the 4th Progress Report submitted by the Liquidator for the period 01.04.2021 to 30.06.2021 in the matter of liquidation process of Sargam Builders Pvt Ltd.

Since the related matters are posted on 03.08.2021 this report will also be considered on that date. **List on 03.08.2021.**

3 REPORT/64/KOB/2021 IN IA(IBC)/75/KOB/2021 IN TIBA/19/KOB/2019

Learned liquidator Shri Jasin Jose appeared through VC. This is the 1st Progress Report submitted by the Liquidator for the period 04.06.2021 to 30.06.2021 in the matter of liquidator process of Atlas Gold Township (India) Pvt Ltd.

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

4 IBA/27/KOB/2020

None appeared for the Operational Creditor. Learned counsel for the CD Ms Irene Babu appeared through VC.

Ms Irene Babu submitted that the Hon'ble High Court of Kerala vide Judgement dated 24.03.2021 in WP (C) No.28581/2020 has stayed all further proceedings in this IBA and hence sought an adjournment.

Learned counsel for the CD is directed to produce the above Order of the Hon'ble High Court of Kerala before the next date fixed positively.

List on 26.08.2021.

5 TCP/50/KOB/2019

No response from the petitioner. Learned counsel for R1 & R2 Smt. Sindhu Santhalingam appeared through VC.

It appears from records that during the last hearing on 22.04.2021 also none has appeared for the petitioner.

This is a long pending case. List on 02.09.2021 for final hearing. If there is no representation for the petitioner on that date, the petition will be dismissed.

6 TCP/116/KOB/19

Learned counsel for the Petitioner Shri A.D.Shajan as well as learned counsel for R1 Smt. Sindhu Santhalingam appeared through VC.

Written submissions have been submitted by both the parties.

List on 02.09.2021 for final hearing.

7 CP/92/KOB/2019

Learned counsel for the Petitioner Smt. Telma Raju as well as learned counsel for R1 to R8 Shri Pranoy Harilal appeared through VC. Smt. Telma Raju sought an adjournment stating that her senior has been tested Covid positive. Allowed.

Pleadings are complete.

List on 03.09.2021 for final hearing. Both the parties may submit their written submissions in brief (within 4-5 pages) before the above date. There shall be no further adjournment in this case.

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

Learned counsel for the applicant Shri Vijay v. Paul as well as learned counsel for R1 Shri Biju Balakrishnan appeared through VC. None appeared for R2, R4 and R5.

The matter will be considered along with the main CP.

List on 08.09.2021.

9 CP/107/(KOB)/2019

Learned counsel for the Petitioners Shri Vijay V. Paul as well as learned counsel for R1 Shri Biju Balakrishnan appeared through VC. None appeared for other respondents.

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 Vijay V. Paul submitted that the respondents have not complied the above order till date. Shri Biju Balakrishnan submitted that the documents are ready with the respondents but the same have not been handed over to his office due to Covid 19 travel restrictions and also the sudden demise of his senior Shri P.V.George. The submission of Shri Biju Balakrishnan is recorded.

R1 is directed to file the aforesaid documents positively within 15 days.

List on 08.09.2021. There shall be no further adjournment in this case.

10 CP/124/KOB/2019

Learned counsel for the Petitioners Shri Chandapillai Abraham as well as learned PCS for R1 to R3 Shri P.P.Zibi Jose appeared through.

Shri Chandapillai Abraham submitted that the petitioners will be filing a withdrawal petition in this matter shortly.

Since the petition is filed under Section 241 & 242 of the Companies Act, the petitioners are directed to comply the NCLT Rules 2016 with regard to withdrawal of Company Petition

List on 30.07.2021.

11 IA/58/KOB/2019 IN CP/114/KOB/2019

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

Released from part heard and heard the learned counsel for the petitioner for some time. List on 12.08.2021.

12 IA 83/KOB/2020 IN CP/114/KOB/2019

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

Released from part heard and heard the learned counsel for the petitioner for some time. List on 12.08.2021.

13 IA/87/KOB/2020 IN CP/114/KOB/2019

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

Released from part heard and heard the learned counsel for the petitioner for some time. List on 12.08.2021.

14 IA/95/KOB/2020 IN CP/114/KOB/2019

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

Released from part heard and heard the learned counsel for the petitioner for some time. List on 12.08.2021.

15 CA/68/KOB/2021 IN CP/114/KOB/2019

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

Released from part heard and heard the learned counsel for the petitioner for some time. List on 12.08.2021.

16 CP/114/KOB/2019

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

Released from part heard and heard the learned counsel for the petitioner for some time.

The learned counsel for the 1st respondent is directed to produce the following documents with an affidavit two days before the next date fixed for further hearing.

- (i) The minutes book of the AGM/EGM for the last five years.
- (ii) Minutes of the Board Meetings held during the last five years.
- (iii) Attendance sheet of the Board Meetings, as well as General Meetings and AGMs of the last five years.
- (iv) If any allegation has been made by any of the party who is entitled to get notice of the meetings, whether it is Director or Shareholder for the Board Meetings/and or general meetings, then proof of sending notice of that Board meetings/general meetings also be produced.

List on 12.08.2021 as **Part Heard**.

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

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

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

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

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

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

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

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

21 CP/119/KOB/2019

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

The learned counsel for the 1st respondent is directed to produce the following documents with an affidavit two days before the next date fixed for further hearing.

- (i) The minutes book of the AGM/EGM for the last five years.
- (ii) Minutes of the Board Meetings held during the last five years.
- (iii) Attendance sheet of the Board Meetings, as well as General Meetings and AGMs of the last five years.
- (iv) If any allegation has been made by any of the party who is entitled to get notice of the meetings, whether it is Director or Shareholder for the Board

Meetings/and or general meetings, then proof of sending notice of that Board meetings/general meetings also be produced.

List on 12.08.2021 **as Part Heard.**

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

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

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

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

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

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

25 CP/125/KOB/2019

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

The learned counsel for the 1st respondent is directed to produce the following documents with an affidavit two days before the next date fixed for further hearing.

- (i) The minutes book of the AGM/EGM for the last five years.
- (ii) Minutes of the Board Meetings held during the last five years.

- (iii) Attendance sheet of the Board Meetings, as well as General Meetings and AGMs of the last five years.
- (iv) If any allegation has been made by any of the party who is entitled to get notice of the meetings, whether it is Director or Shareholder for the Board Meetings/and or general meetings, then proof of sending notice of that Board meetings/general meetings also be produced.

List on 12.08.2021 **as Part Heard.**