

NCLT, KOCHI BENCH**Daily Orders – Draft**

Date: 29th July 2021

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

1 IA(IBC)/115/KOB/2021 IN IBA/51/KOB/2019

Learned counsel for the Applicant/RP Shri Vinod PV appeared through VC.

This is an IA filed by the RP under Section 60(5) of IBC 2016 read with Regulation 40(C) of IBBI (Insolvency Resolution process for Corporate Persons) Regulations, 2016 for further exclusion of lockdown period.

The RP submitted that the CD is a hospital, which was used for Covid patient treatment. He further submitted that four Resolution Applications have been received and the same are under the active consideration of CoC.

Heard the RP and perused the records.

Reserved for orders. **The date of pronouncement of orders will be intimated later.**

2 IA(IBC)/110/KOB/2021 IN CP(IB)/3/KOB/2021

Learned counsel for the applicant Shri Sanjay John as well as learned counsel for the Respondent Shri Nebil Nizar appeared through VC.

This is an IA filed by the applicant/Operational Creditor for withdrawal of the CP(IB)/03/KOB/2021.

The Corporate Debtor has filed objection against this IA.

Heard both sides and perused the records.

Reserved for orders.

The date of pronouncement of orders will be intimated later.

3 CP(IB)/3/KOB/2021

Learned counsel for the Operational Creditor Shri Sanjay John as well as learned counsel for the Corporate Debtor Shri Nebil Nizar appeared through VC.

An IA has been filed by the Petitioner for withdrawal of the CP(IB)/03/KOB/2021.

The Corporate Debtor has filed objection against the withdrawal application.

Heard both sides and perused the records.

Reserved for orders.

The applicant/Operational Creditor is directed to pay the costs of **Rs.25,000/- (Rupees twenty five thousand only) through Bharatkosh** to the “**Ministry of Corporate Affairs**” within one week from today and submit proof of payment along with the Affidavit on or before 10.08.2021.

The date of pronouncement of orders will be intimated later.

4 TCP/6/KOB/2019

Learned counsel for the Petitioner Smt. Manjulla Devi as well as learned counsel for the R2 Smt. Telma Raju appeared through VC.

Smt. Telma Raju sought an adjournment stating that her senior has been tested Covid positive. Adjournment request is allowed.

List on 13.09.2021.

5 CP/115/KOB/2019

None appeared for the petitioner or respondents. It appears from records that there was no appearance of the parties in the last date of hearing on 31.05.2021.

This matter is listed today for the report of the Liquidator appointed by this Tribunal. However, no response from the Liquidator also even though he was directed by this Tribunal vide order dated 31.05.2021 to submit his report within two weeks.

Therefore, CP/115/KOB/2019 stands dismissed due to non-prosecution of the case.

6 CP/121/KOB/2019

None appeared for the petitioner or respondents. It appears from records that there was no appearance for the parties in the last date of hearing on 29.03.2021.

In view of the non-appearance of the petitioner it is presumed that he is not interested to proceed with the case.

Therefore, CP/121/KOB/2019 stands dismissed due to non-prosecution of the case.

7 IA/203/KOB/2020 IN CP/02/KOB/2020

Learned Senior counsel for the applicant Shri Ramji Srinivasan and learned senior counsel for the respondents Shri Aravind Pandian appeared through VC.

Shri Ramji Srinivasan stated that the appeal pending before the NCLAT is now stand posted to 17.08.2021 and that this matter may be adjourned to a later date. Adjournment request is allowed.

List on 03.09.2021.

8 CA/59/KOB/2021 IN CP/02/KOB/2020

Learned Senior counsel for the applicant Shri Joseph Kodianthara as well as learned senior counsel for R1 to R4 Shri Aravind Pandian and learned senior counsel for R5 to R12 Shri Ramji Srinivasan appeared through VC.

This is an application filed under Rule 11 of the NCLT Rules, 2016 for impleading the Applicant, Mr. PA Hamza as a petitioner in CP/02/KOB/2020.

The application will also be heard along with CP/02/KOB/2020 on 03.09.2021.

List on 03.09.2021 for hearing.

9 CA/60/KOB/2021 IN CP/02/KOB/2020

Learned Senior counsel for the applicant Shri Joseph Kodianthara as well as learned senior counsel for R1 to R4 Shri Aravind Pandian and learned senior counsel for R5 to R12 Shri Ramji Srinivasan appeared through VC.

This is an application filed under Rule 11 of the NCLT Rules, 2016 for impleading the Applicant, Mr. Ibrahim Haji as a petitioner in CP/02/KOB/2020.

The application will also be heard along with CP/02/KOB/2020 on 03.09.2021.

List on 03.09.2021 for hearing.

10 CP/02(KOB)/2020

Learned senior counsel for the petitioner Shri Aravind Pandian and learned senior counsel for the respondents Shri Ramji Srinivasan appeared through VC. Shri Ramji Srinivasan stated that the appeal pending before the NCLAT is now stand posted to 17.08.2021 and that this matter may be adjourned to a later date.

Shri Aravind Pandian submitted that since there is no stay order by NCLAT this case should not be prolonged indefinitely. According to him, the Hon'ble NCLAT has clarified that the proceedings before this Tribunal can be continued.

The adjournment request is allowed.

List on 03.09.2021 for hearing. The parties may bear in mind that there shall be no further adjournment in this case. The parties are directed to co-operate for early disposal of the case.

11 IA/152/KOB/2020 IN CP/08/KOB/2020

None appeared for both the parties.

Pleadings are complete.

Next date is fixed for hearing. If there is no representation in the next date of hearing also, the case will be dismissed.

List on 07.09.2021.

12 CA/33/KOB/2021 IN CP/08/KOB/2020

None appeared for both the parties.

Pleadings are complete.

Next date is fixed for hearing. If there is no representation in the next date of hearing also, the case will be dismissed.

List on 07.09.2021.

13 CP/08/KOB/2020

None appeared for both the parties.

Pleadings are complete.

Next date is fixed for hearing. If there is no representation in the next date of hearing also, the case will be dismissed.

List on 07.09.2021.

14 CP/44/KOB/2020

Advocate Smt Nivetita appeared through VC for the learned counsel for the petitioner Smt. Rema Smrithi VK. Learned counsel for R1 to R3 Shri Dhiren R. Dave also appeared through VC.

Smt. Nivetita sought an adjournment to file the rejoinder.

Shri Dhiren R. Dave submitted that the petition itself is not maintainable and not a single relief within the parameters of Section 241 and 242 of the Companies Act, 2013. Moreover, many adjournments were sought by the petitioner to file the rejoinder.

Heard both the parties.

In the interests of justice, **the petitioner is given the last and final opportunity to file the rejoinder, if any, within two weeks, failing which his rights to file the rejoinder shall stand forfeited. No further time will be granted to file rejoinder.**

List on 08.09.2021 for hearing.

15 CP/09/KOB/2021

Learned counsel of both the parties appeared through VC.

At the request of the parties, the case is adjourned to 10.09.2021.