

NCLT, KOCHI BENCH

Daily Orders – Draft

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

Date: 29th March 2021

1 MA/203/KOB/2020 IN TIBA/14/KOB/2019

Learned RP Shri Sasitaran Ramaswamy appeared through VC along with his learned counsel Shri Vinod PV. Learned counsel for the Respondents Shri Sharad Kodianthara also appeared through VC. No additional statement/sur-rejoinder has been filed till date. Learned counsel of both the parties expressed willingness to argue the matter today itself. Heard both sides. **Reserved for Orders. List for pronouncement of orders on 23.04.2021.** If any documents to be produced by the respondents, that should be done within two weeks from today.

2 MA/204/KOB/2020 IN TIBA/14/KOB/2019

Learned RP Shri Sasitaran Ramaswamy appeared through VC along with his learned counsel Shri Vinod PV. Learned counsel for the Respondents Shri Sharad Kodianthara also appeared through VC. No additional statement/sur-rejoinder has been filed till date. Learned counsel of both the parties expressed willingness to argue the matter today itself. Heard both sides. **Reserved for Orders. List for pronouncement of orders on 23.04.2021.** If any documents to be produced by the respondents, that should be done within two weeks from today.

3 CP.IB/1/KOB/2021

Learned counsel for the Financial Creditors Shri Prasanth Kumar as well as learned counsel for the Corporate Debtor Shri Vinod PV appeared through VC. It is noted that the rejoinder filed by the OC is defective. Shri Prasanth Kumar submitted that the rejoinder was filed by the counsel of the OC, since the OC was not in station. Anyhow, he submitted that a fresh rejoinder will be filed. Learned counsel for the CD also sought an adjournment to seek advice from his clients to explore the possibility of settling the matter amicably.

Since this is an IBC matter, the parties may bear in mind that this case cannot be prolonged further. Therefore, the parties are directed to co-operate for an early disposal of this case.

List on **19.04.2021 for hearing.**

4 **IA(IBC)/62/KOB/2021 IN CP(IB)/3/KOB/2021**

Learned counsel for the Operational Creditor Ms Sreedevi S as well as learned counsel for the Corporate Debtor Shri Nebil Nizar appeared through VC. This IA has been filed to condone the delay in re-presenting the CP(IB)/03/KOB/2021. The petitioner submitted that the delay in curing the defects was happened due to the fact that his father who is aged more than 70 year has fell ill due to sudden stroke (a medical certificate to that effect annexed with this application) so he could not immediately travel from Kollam to instruct the counsel at Ernakulam, in order to cure the defects in the IB application. The condition of his father was critical which was continued till the end of January, 2021 and thus the defects remained not cured. Finally the lawyer prepared the affidavit and sent his junior to Kollam to obtain the signature. In view of the above reason, there occurred a delay of 57 days in re-presenting the IB application in the Tribunal. The reasons stated by the applicant with regard to the delay in curing the defects is satisfactory. Accordingly, **IA(IBC)/62/KOB/2021 IN CP(IB)/3/KOB/2021 is allowed and the delay in re-presenting the application is condoned.**

5 **CP(IB)/3/KOB/2021**

Learned counsel for the Operational Creditor Ms Sreedevi S as well as learned counsel for the Corporate Debtor Shri Nebil Nizar appeared through VC. Shri Nebil Nizar submitted that his client is residing at Chennai and some travel restrictions are imposed by the Tamil Nadu Government like Covid RTPCR test for inter-state movement of persons. Hence, he sought an adjournment to file the counter. Allowed. CD is directed to file the counter positively within two weeks. The OC may file his rejoinder, if any, well before the next date fixed.

List on 21.04.2021 for hearing.

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

6 **CP/121/KOB/2019**

No response from both the parties.

Vide order dated 10.03.2021 the petitioner was directed to file an IA to implead the correct respondent in the CP. But no such IA has been filed till this date.

List on 18.05.2021. Before that date, the petitioner may file the IA, if any.

7 CP/25/KOB/2020

Learned counsel for the Petitioners Shri Zibi Jose appeared through VC. Learned counsel for R2, R4 & R5 Shri Sukumar Nainan Oommen and learned counsel for R1 & R3 Shri P.Sanjay appeared through VC. None has appeared for R6.

Vide order dated 23.02.2021 it was decided to take up the matters under Section 241-242 first. Registry reported that 241-242 matters are posted on 31.03.2021.

Hence list this CP, which is filed under Section 59(1), on 19.05.2021.

8 CP/26/KOB/2020

Learned counsel for the Petitioners Shri Zibi Jose appeared through VC. Learned counsel for R2, R4 & R5 Shri Sukumar Nainan Oommen and learned counsel for R1 & R3 Shri P.Sanjay appeared through VC. None has appeared for R6.

Vide order dated 23.02.2021 it was decided to take up the matters under Section 241-242 first. Registry reported that 241-242 matters are posted on 31.03.2021.

Hence list this CP, which is filed under Section 59(1), on 19.05.2021.

9 CP/27/KOB/2020

Learned counsel for the Petitioners Shri Zibi Jose appeared through VC. Learned counsel for R2, R4 & R5 Shri Sukumar Nainan Oommen and learned counsel for R1 & R3 Shri P.Sanjay appeared through VC. None has appeared for R6.

Vide order dated 23.02.2021 it was decided to take up the matters under Section 241-242 first. Registry reported that 241-242 matters are posted on 31.03.2021.

Hence list this CP, which is filed under Section 59(1), on 19.05.2021.

10 CA/64/KOB/2020

Learned counsel for the Applicant Shri P. Sanjay appeared through VC. Learned counsel for R1 Shri Sherry Samuel Oommen, learned counsel for R2, R3 & R5 Shri Sukumar Nainan and learned counsel for R4 Shri Zibi Jose appeared through VC. None has appeared for R6.

Shri Sanjay submitted that the preliminary reply filed by R2, R3, R5 & R6 is not in order as it is not as per the NCLT Rules, since there is no provision to submit any

preliminary reply. The Bench decided that the said preliminary reply will be treated as the counter.

Shri Sanjay prayed that since no specific reply has been given with regard to granting interim order, this Tribunal may pass the interim order prayed for by the petitioner.

Shri Sukumar Oommen submitted that the CA itself is not maintainable and hence no interim order may be passed at this stage.

Before going into the merits of this case, the Bench observed that vide order dated 23.02.2021 it was decided to take up the matters under Section 241-242 first. Registry reported that 241-242 matters related to this Company are posted on 31.03.2021.

Hence list this CA, which is filed under Section 59(1), on 19.05.2021.

11 CA/84/KOB/2020

Learned counsel for the Applicant Shri Zibi Jose appeared through VC. Learned counsel for R1 Shri Sherry Samuel Oommen, learned counsel for R2, R3, R5 & R7 Shri Sukumar Nainan Oommen and learned counsel for R4 Shri P. Sanjay appeared through VC. None has appeared for R6.

It appears from records that vide order dated 23.02.2021 it was decided to take up the matters under Section 241-242 first. Registry reported that 241-242 matters related to this Company are posted on 31.03.2021.

Hence list this CA, which is filed under Section 59(1), on 19.05.2021.

12 TCP/68/KOB/2019 (TCP/49/2016)

Learned counsel for R1, R2 and R3 Shri George G. Poothicote as well as learned counsel for R4 Shri Aswin Gopakumar and learned counsel for R5 Shri Jayan K appeared through VC. The Petitioner Shri Karthikeyan Kasiviswanathan has already filed his Argument Note. Learned counsel for R4 submitted that he will file the updated Argument Note and also the copy of the Vakkalath which he has already filed before this Tribunal. He may do so positively within a week. Heard argument of all respondents. **Reserved for Orders. List for pronouncement of orders on 30.4.2021.**

13 CP/47/KOB/2020

It is informed by the Registry that the existing counsel has relinquished the Vakkalath of the Petitioner. Shri Renjith Rajappan, Advocate has submitted an email stating that he proposes to file vakalath in the matter and sought an adjournment of 10 days. Learned PCS for R1 & R2 Shri Zibi Jose expressed willingness to appear through VC. Adjourned **to 22.4.2021**

14 CP/48/KOB/2020

It is informed by the Registry that the existing counsel has relinquished the Vakkalath of the Petitioner. Shri Renjith Rajappan, Advocate has submitted an email stating that he proposes to file vakalath in the matter and sought an adjournment of 10 days. Learned PCS for R1 & R2 Shri Zibi Jose expressed willingness to appear through VC. Adjourned **to 22.4.2021**

15 IA/151/KOB/2020 IN TCP/45/KOB/2019

Learned counsel for the applicant Shri Shameem Ahamed as well as learned counsel for R1, R3 & R5 Shri S. Easwar and learned counsel for R7 Shri Harikumar G. Nair appeared through VC. Shri S.Easwar stated that he is appearing for Respondents 2&4 also and that he will file vakalath for that respondents also. He has also stated that he has filed some judgments. However, the same are not available on record. He has agreed to produce those judgments within a week. List for further arguments on **9.4.2021 as Part Heard.**

16 TCP/45/KOB/2019

Learned counsel for the petitioner Shri Shameem Ahamed as well as learned counsel for R1, R3 & R5 Shri S. Easwar and learned counsel for R7 Shri Harikumar G. Nair appeared through VC. Shri S.Easwar stated that he is appearing for Respondents 2&4 also and that he will file vakalath for that respondents also. He has also stated that he has filed some judgments. However, the same are not available on record. He has agreed to produce those judgments within a week. List for further arguments on **9.4.2021 as Part Heard.**