

NCLT, KOCHI BENCH

Daily Orders – Draft

Date: 30th Jan 2021

In the Bench of: **Shri Ashok Kumar Borah, Member (Judicial) & Shri Satya Ranjan Prasad, Member (Technical)**

1 IA/37/KOB/2021 IN IBA/21/KOB/2019

Ms Jagriti Sanghi appeared for the applicant. Learned RP/R1 Shri Jasin Jose, learned counsel for R2 Shri Sunil Shankar and learned counsel for R3 Shri Harikumar G. Nair appeared through VC.

Orders pronounced. **IA/37/KOB/2021 IN IBA/21/KOB/2019 stands dismissed vide separate order.**

2 IA(IBC)/68/KOB/2021 IN IBA/21/KOB/2019

Learned counsel for the applicant Shri Sunil Shankar as well as learned counsel for R1 Shri Harikumar G. Nair and learned counsel for R2 Ms Jagriti Sanghi appeared through VC.

Orders pronounced. **IA(IBC)/68/KOB/2021 IN IBA/21/KOB/2019 is allowed vide separate order.**

3 IA(IBC)/74/KOB/2021 IN IBA/21/KOB/2019 & MEMO

Learned counsel for the applicants Shri Harikumar G. Nair appeared through VC. Learned RP Shri Jasin Jose and learned counsel for R2 Shri Sunil Shankar as also learned counsel for R3 MS Jagriti Sanghi appeared through VC.

Orders pronounced. **IA(IBC)/74/KOB/2021 IN IBA/21/KOB/2019 stands dismissed vide separate order.**

4 MA/25/KOB/2020 IN IBA/38/KOB/2019

None appeared for the applicants. Learned counsel for R3 Shri K.B.Arun Kumar, learned counsel for R4 Shri Pranoy Harilal and learned counsel for R5 Shri Reji George appeared through VC.

Orders pronounced. **MA/25/KOB/2020 IN IBA/38/KOB/2019 is disposed of vide separate order.**

5 MA/71/KOB/2020 IN IBA/38/KOB/2019

Learned counsel for the applicant/RP Shri K.B.Arun Kumar as well as learned counsel for R3 Shri Reji George and learned counsel for R4 Shri Pranoy Harilal appeared through VC.

Orders pronounced. **MA/71/KOB/2020 IN IBA/38/KOB/2019 stands dismissed vide separate order.**

6 CA/14/KOB/2021 with MEMO

Learned counsel for the appellant Shri Jerin Asher Sojan appeared through VC.

Report of ROC is on record.

Reserved for orders. List for pronouncement of orders on 02.07.2021.

7 CA/64/KOB/2021 IN CA/55/KOB/2020

Learned counsel for the applicant Shri Bijoy P. Pulipra appeared through VC.

This is an application with the prayer to allow the petitioner to file the Rejoinder to the counter statement filed by the Respondents in CA/55/KOB/2020.

The prayer is allowed. The rejoinder filed by the petitioner be taken on record.

8 REPORT NO. 28/KOB/2020 IN TIBA/34/KOB/2019

None appeared for the RP. Learned counsel for the Operational Creditor Shri Kalyan Jhabakh appeared through VC.

It appears that the Hon'ble High Court of Kerala vide order dated 20.02.2020 in WP(C) No.5009/2020(A) has granted interim stay for two weeks against the Order of this Tribunal dated 13.02.2020. Shri Kalyan Jhabakh submitted that the stay order was extended until further orders vide order dated 03.08.2020. In view of the Stay Order of the Hon'ble High Court of Kerala until further orders, and the stay is still in force, this matter is adjourned to **02.08.2021**.

RP is directed to appear through VC positively on the next date of hearing, failing which, law will take its own course.

Registry is directed to issue copy of this order to the RP through Email.

9 MA/15/KOB/2020 IN TIBA/34/KOB/2019

Learned counsel for the applicant/OC Shri Kalyan Jhabakh appeared through VC. None appeared for the RP.

It appears that the Hon'ble High Court of Kerala vide order dated 20.02.2020 in WP(C) No.5009/2020(A) has granted interim stay for two weeks against the Order of this Tribunal dated 13.02.2020. Shri Kalyan Jhabakh submitted that the stay order was extended until further orders vide order dated 03.08.2020. In view of the Stay Order of the Hon'ble High Court of Kerala until further orders, and the stay is still in force, this matter is adjourned to **02.08.2021**.

10 MA/143/KOB/2020 IN TIBA/34/KOB/2019

None appeared for the applicant/RP. Learned counsel for the Operational Creditor Shri Kalyan Jhabakh appeared through VC.

It appears that the Hon'ble High Court of Kerala vide order dated 20.02.2020 in WP(C) No.5009/2020(A) has granted interim stay for two weeks against the Order of this Tribunal dated 13.02.2020. Shri Kalyan Jhabakh submitted that the stay order was extended until further orders vide order dated 03.08.2020. In view of the Stay Order of the Hon'ble High Court of Kerala until further orders, and the stay is still in force, this matter is adjourned to **02.08.2021**.

11 MA/144/KOB/2020 IN TIBA/34/KOB/2019

None appeared for the applicant/RP. Learned counsel for the suspended director of the Corporate Debtor Shri Vinod PV appeared through VC.

It appears that the Hon'ble High Court of Kerala vide order dated 20.02.2020 in WP(C) No.5009/2020(A) has granted interim stay for two weeks against the Order of this Tribunal dated 13.02.2020. Shri Kalyan Jhabakh submitted that the stay order was extended until further orders vide order dated 03.08.2020. In view of the Stay Order of the Hon'ble High Court of Kerala until further orders, and the stay is still in force, this matter is adjourned to **02.08.2021**.

12 IA(IBC)/27/KOB/2021 IN IBA/133/KOB/2019/CB

Learned Liquidator Shri Ashok Velamur Seshadri appeared through VC along with his learned counsel Shri Vinod PV. Learned counsel of R1 to R3 Shri Krishnakumar G also appeared through VC.

Heard both sides. **Reserved for orders. List for pronouncement of orders on 13.07.2021.**

13 INVP/2/KOB/2021 IN IBA/51/KOB/2019

Learned counsel for the Intervening Petitioner (suspended director) Shri Rishabh S. Khemuka as well as learned RP Shri Vinod PV appeared through VC.

The Intervening Petitioner has filed the MSME certificate of the CD through Electronic filing. Learned RP submitted that the period of CIR process will be expired on 23.07.2021.

Heard both sides. **INVP/2/KOB/2021 IN IBA/51/KOB/2019 is disposed of vide separate sheets.**

14 IA/38/KOB/2021 IN IBA/04/KOB/2020

Learned RP Shri K. Easwara Pillai appeared through V C along with his learned counsel Shri P. Sathisan. None appeared for R1, R2 & R7.

It appears from records that R3, R4, R5 and R6 were set ex-parte vide order dated 30.03.2021.

The RP has already filed the order of NCLAT dated 05.04.2021 dismissing the appeal filed by the suspended Director of the CD.

Counter has already been filed by R7. Vide order dated 28.04.2021 R1 & R2 were given the last opportunity to file the counter within two weeks. But they have not yet filed the counter.

Heard the learned RP as well as his learned counsel. **Reserved for Orders. List for pronouncement of orders on 09.07.2021.**

15 IBA/11/KOB/2020

Both the parties appeared through VC. Due to power failure and network disturbance, adjourned to 06.07.2021.

16 CP(IB)/4/KOB/2021

Both the parties appeared through VC. Due to power failure and network disturbance, adjourned to 06.07.2021.

17 CP(IB)/05/KOB/2021

Both the parties appeared through VC. Due to power failure and network disturbance, adjourned to 12.07.2021.

18 CA/62/KOB/2021 IN CONTEMPT PETITION/02/KOB/2021 IN CP/02/KOB/2020

Both the parties appeared through VC. Due to power failure and network disturbance, adjourned to 05.07.2021.

19 CONTEMPT PETITION/02/KOB/2021 IN CP/02/KOB/2020

Both the parties appeared through VC. Due to power failure and network disturbance, adjourned to 05.07.2021.