

***NCLT, KOCHI BENCH*****Daily Orders – Draft****Date: 31<sup>st</sup> August 2021****In the Bench of: Shri Ashok Kumar Borah, Member (Judicial) &  
Shri Rajesh Sharma, Member (Technical)****1 IA(IBC)/126/KOB/2021 IN MA/100/KOB/2020 IN IBA45/KOB/2019**

Learned Liquidator Shri Dileep KP appeared through VC.

This IA has been filed under section 47(A) of IBBI (Liquidation Process) Regulations 2016 by the Liquidator seeking exclusion of period of Liquidation by 6 months availing the exclusion period on account of Covid 19 lock down.

Heard and perused the records. The above prayer is allowed vide separate sheets.

The liquidator has also sought permission from this Tribunal to release the security interest from liquidation Estate in regard to the request received from M/s. Daimler Financial Services Pvt Ltd. The liquidator is directed to file another IA for the purpose, if he so desires.

**IA(IBC)/126/KOB/2021 IN MA/100/KOB/2020 IN IBA45/KOB/2019  
stands disposed of vide separate sheets.****2 IA(IBC)/127/KOB/2021 IN IBA/29/KOB/2020**

Learned counsel for the Applicant/Operational Creditor Shri P.V.Vinod appeared through VC.

This IA has been filed by the Applicant/Operational Creditor seeking restoration of the IBA/29/KOB/2020.

Vide order dated 04.12.2020, IBA/29/KOB/2020 was dismissed in view of the withdrawal along with Memorandum of Understanding filed by the Operational Creditor. In the aforesaid order both the parties were directed to strictly adhere to the conditions mentioned in the MoU.

Learned counsel for the OC submitted that the CD has violated the terms and conditions of the MoU and hence this IA to restore the IBA.

Heard and perused the records.

The applicant is directed to file a fresh Petition, if he so desires.

**IA(IBC)/127/KOB/2021 IN IBA/29/KOB/2020 stands disposed of vide separate sheets.**

### 3 IA(IBC)/129/KOB/2021 IN IBA/13/KOB/2020

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

This IA has been filed by the RP under Section 60(5) of IBC, 2016 seeking exclusion of 90 days, ie. from 07.05.2021 to 07.08.2021, from the period of CIR Process and to permit the RP to complete the process by 26.12.2021.

Heard and perused the records.

**IA(IBC)/129/KOB/2021 IN IBA/13/KOB/2020 stands disposed of vide separate sheets.**

### 4 REPORT/74/KOB/2021 IN IBA/13/KOB/2020

Adv Shri Vinod PV represented the RP through VC.

This is a Progress Report filed by the RP in the matter of M/s Sree Bhadra Parks and Resorts Limited (under CIRP).

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

### 5 CP(IB)/06/KOB/2021

Learned counsel for the Financial Creditor Shri Vinod PV as well as learned counsel for the Corporate Debtor Ms Irene Babu appeared through VC.

Shri Vinod submitted that he has already filed the settlement memo, but Registry reported that the same is defective.

It appears that this CP has been wrongly listed today. The FC is directed to file an IA under the relevant Rules and Form attaching the settlement memo.

**6 IA(IBC)/119/KOB/2021 IN CP(IB)/10/KOB/2021**

Learned counsel for the applicant Shri S.V.Ramakrishna as well as learned counsel for the CD Shri Kevin Mathew appeared through VC.

This IA has been filed under Rule 11 of NCLT Rules, 2016 by the Operational Creditor with the prayer to correct the date of first default as 21<sup>st</sup> March 2020 and subsequent dates of default as 24<sup>th</sup> March, 2020 in place of 28<sup>th</sup> July 2020 shown at page 8 (Form 5).

Heard both sides.

**IA(IBC)/119/KOB/2021 IN CP(IB)/10/KOB/2021 stands allowed. Registry is directed to carry out the corrections in the CP(IB)/10/KOB/2021.**

**7 CP(IB)/10/KOB/2021**

Learned counsel for the applicant Shri S.V.Ramakrishna as well as learned counsel for the CD Shri Kevin Mathew appeared through VC.

**Since IA(IBC)/119/KOB/2021 stands allowed, list this CP(IB) on 08.09.2021 for hearing.**

**8 IA(IBC)/63/KOB/2021 IN IBA/30/KOB/2020**

Learned counsel for the applicant Shri Aditya Venugopal as well as learned counsel for R1 Shri Akhil Suresh appeared through VC.

Both the parties stated that the interim order of stay granted by the Hon'ble NCLAT is still continuing.

In view of the fact that the Interim stay order of NCLAT still continues, let the matter be **adjourned sine die**.

Both the parties will be at liberty to approach this Tribunal as and when the order passed by the Hon'ble NCLAT in the aforesaid matter.

**9 IBA/30/KOB/2020**

Learned counsel for the applicant Shri Akhil Suresh as well as learned counsel for R2 Shri Aditya Venugopal appeared through VC.

Both the parties stated that the interim order of stay granted by the Hon'ble NCLAT is still continuing.

In view of the fact that the Interim stay order of NCLAT still continues, let the matter be **adjourned sine die**.

Both the parties will be at liberty to approach this Tribunal as and when the order passed by the Hon'ble NCLAT in the aforesaid matter.

#### 10 CP(IB)/05/KOB/2021

Learned counsel for the Operational Creditor Shri Akhil Suresh as well as learned counsel for the Corporate Debtor This Thomas P. Kuruvilla appeared through VC.

Vide order dated 12.07.2021 the CD was directed to file the counter within 15 days. But counter has not yet been filed.

Shri Thomas P. Kuruvilla sought some more time to file the counter stating that he could not get the signature of his client due to Covid 19 travel restrictions.

The CD is given the last opportunity to file the counter within 3 days serving advance copy to the OC, who may file rejoinder, if any, before the next date fixed.

**List on 09.09.2021. There shall be no further adjournment in this case.**

#### 11 CP(IBC)/20/KOB/2021

Learned counsel for the Operational Creditor Shri Anil D. Nair appeared through VC.

It appears from records that notice was duly served to the Corporate Debtor on 07.08.2021. But the Corporate Debtor neither filed the counter nor appeared today.

**List on 20.09.2021 for hearing.**

Registry is directed to issue copy of this order to the Corporate Debtor as well as to the learned counsel for the Operational Creditor through email. The learned counsel for the OC may also take steps to issue copy of this order to the CD. ‘

The CD is directed to file his counter before the next date of hearing fixed as shown above, failing which the matter will be disposed of as per rules.

#### 12 CP(IBC)/22/KOB/2021

Learned counsel for the FC Smt. Umarani as well as learned counsel for the CD Shri V.K.Peer Mohamed Khan appeared through VC.

CD has filed the counter. Smt. Umarani sought an adjournment stating that she requires clarifications from the FC Bank with regard to the statements made by the CD in the counter.

At the request of the learned counsel of the FC, the matter is **adjourned to 20.09.2021 for hearing.**

**13 IA/7(KOB)/2020 IN TCP/7/KOB/19**

Learned counsel for both the parties appeared through VC.

At the request of the parties, the matter is **adjourned to 22.09.2021 for final hearing (High on Board).**

**14 TCP/7/KOB/19**

Learned counsel for both the parties appeared through VC.

At the request of the parties, the matter is **adjourned to 22.09.2021 for final hearing (High on Board).**

**15 CP/52/KOB/2020**

None appeared for the petitioner. Learned PCS for R1 & R2 Shri Zibi Jose appeared through VC.

It appears from records that none has appeared for the petitioner on the last date of hearing on 22.07.2021. Therefore, it implies that the petitioner is not interested to prosecute the case.

**Hence, CP/52/KOB/2020 stands dismissed due to non-prosecution.**

**16 CP/54/KOB/2020**

Learned counsel for the Petitioner Shri John Vadassery as well as learned counsel for R2 Shri Yovindunath S appeared through VC.

Heard both sides.

**Reserved for orders.** Learned counsel for both the parties are directed to submit their written submissions in brief (3-4 pages) within 3 days. The date of pronouncement of orders will be intimated later.

17 CP/1/KOB/2021

Learned counsel for the Petitioner Shri John Vadassery as well as learned counsel for R2 Shri Yovindunath S appeared through VC.

Heard both sides.

**Reserved for orders.** Learned counsel for both the parties are directed to submit their written submissions in brief (3-4 pages) within 3 days. The date of pronouncement of orders will be intimated later.

18 CP/4/KOB/2021

Learned counsel for the petitioner Shri Abid Millath as well as learned counsel for R1 to R4 Shri Akhil Suresh appeared through VC.

**At the request of both the parties, adjourned to 29.09.2021 for final hearing.**