

## ***NCLT, KOCHI BENCH***

### **Daily Orders – Draft**

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

**Date: 4<sup>th</sup> March 2021**

**1 IA(IBC)/42/KOB/2021 IN MA/97/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB**

Learned counsel for the applicant Ms Sudhakshina as well as learned counsel for the RP Shri Kunal Kanungu & Akhil Suresh appeared through VC. Order pronounced. **IA(IBC)/42/KOB/2021 IN MA/97/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB stands disposed of vide separate order.**

**2 IA(IBC)/43/KOB/2021 IN MA/98/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB**

Learned counsel for the applicant Ms Sudhakshina as well as learned counsel for the RP Shri Kunal Kanungu and Akhil Suresh appeared through VC. Order pronounced. **IA(IBC)/43/KOB/2021 IN MA/98/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB stands disposed of vide separate order.**

**3 IA(IBC)/44/KOB/2021 IN MA/127/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB**

Learned counsel for the applicant Ms Sudhakshina as well as learned counsel for the RP Shri Kunal Kanungu and Akhil Suresh appeared through VC. Order pronounced. **IA(IBC)/44/KOB/2021 IN MA/127/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB stands disposed of vide separate order.**

**4 IA(IBC)/45/KOB/2021 IN MA/117/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB**

Learned counsel for the applicant Ms Sudhakshina as well as learned counsel for the RP Shri Kunal Kanungu and Akhil Suresh appeared through VC. Order pronounced. **IA(IBC)/45/KOB/2021 IN MA/117/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB stands disposed of vide separate order.**

**5 IA/220/KOB/2020 IN MA/97/KOB/2020 & MA/98/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB**

Learned counsel for the applicant Ms Sudhakshina as well as learned counsel for the RP Shri Kunal Kanungu and Akhil Suresh appeared through VC. Order pronounced. **IA/220/KOB/2020 IN MA/97/KOB/2020 & MA/98/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB has become infructuous and hence dismissed vide separate order.**

**6 MA/97/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB**

Learned counsel for the applicant Ms Sudhakshina as well as learned counsel for the RP Shri Kunal Kanungu and Akhil Suresh appeared through VC. Order pronounced. **MA/97/KOB/2020 & MA/98/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB is dismissed vide separate order.**

**7 MA/98/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB**

Learned counsel for the applicant Ms Sudhakshina as well as learned counsel for the RP Shri Kunal Kanungu and Akhil Suresh appeared through VC. Order pronounced. **MA/98/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/19/CB is dismissed vide separate order.**

**8 CA/09/KOB/2021**

Learned counsel for the Appellant Shri A.K.Muhammed Hashim appeared through VC. This is an Appeal filed by the Appellant for restoring the name of the Appellant Company in the Register of ROC. The documents submitted by the Appellant in his Appeal include the following:

- (i) Master Data
- (ii) Memorandum of Association and Articles of Association
- (iii) Latest Income Tax Return acknowledgement
- (iv) Financial Statements for the year 2018-19

Admitted. Registry is directed to issue notice to ROC through special messenger for his report. **List on 15.03.2021 for hearing.**

**9 CONTEMPT PETITION (CP)/1/KOB/2021 IN CP/21/KOB/2020**

Learned counsel for the Contempt Petitioner Shri Bijoy P. Pulipra as well as learned counsel for R1 to R5 Shri Sidharth A Menon appeared through VC. This is a Contempt Petition filed by the Petitioner under Section 12 of the Contempt of Courts Act, 1971 read with Section 425 of the Companies Act, 2013.

CP/21/KOB/2020 was filed by the petitioners under Section 241 and 242 of the Companies Act, 2013. The Petition was first heard on 20th August, 2020 and this Tribunal has granted an interim order directing the Respondents in Main CP to maintain status quo in regard to the share capital of Respondent No 1, 6, 7, 8, 9 & 10 Companies in Main CP as on 20<sup>th</sup> August, 2020 till the next posting date i.e., 21<sup>st</sup> September, 2020.

After hearing the parties on 21st September, 2020, this Tribunal passed an interim order on 23 September, 2020 directing that the status quo order dated 20.8.2020 in regard to the share capital of R1, R6, R7, R8, R9 and R10 Companies shall continue until further Orders and the respondents were also directed to maintain status quo in

regard to alienation of the shares, assets, tangible as well as intangible with respect to R1, R6, R7, R8, R9 and R10 Companies until further orders.

The petitioners in this Contempt Petition alleged that Respondent 1, 2, 3, 4 and 5 (Respondent No 2, 3, 4, 5, 6 in Main CP) have wilfully and deliberately breached the interim order, to maintain the status quo, passed by this Tribunal, with respect to the tangible and intangible assets of the Respondent No 1, 6, 7, 8, 9 & 10 companies in Main CP and thereby caused irreparable injury and great loss to the Petitioners as the funds, assets and business of the Respondent No 1 Company in Main CP, where the Petitioners are shareholders, are prejudicially affected by the act of the Respondent 1, 2, 3, 4 and 5 (Respondent No 2, 3, 4, 5, 6 in Main CP) and thereby the said Respondents have committed civil contempt on the National Company Law Tribunal, Kochi Bench as provided in section 11 and 12 of the Contempt Court Act, 1971 read with Section 425 of the Companies Act, 2013 and thereby are liable for punishment.

I have heard the learned counsel for the petitioners as well as learned counsel for R1 to R5. I have also thoroughly perused the petition and the documents attached therewith.

The respondents are directed to show cause as to why Contempt of court proceedings should not be initiated against them for not complying with the orders of this Tribunal. The respondents are directed to file their reply affidavit within 14 days positively, failing which law will take its own course.

**List on 19.03.2021 for further proceedings.**

#### 10     **IA/34/KOB/2021 IN TIBA/03/KOB/2019**

Learned counsel for the applicant Shri B.Ashok Shenoy as well as learned counsel for the RP Shri Vinod PV appeared through VC. Counter has been filed by the RP. Learned counsel for the applicant sought time to file the rejoinder.

I have thoroughly perused the whole case records as well as the counter. After hearing the counsel of both the parties, the case is **Reserved for Orders**. Since the learned counsel for the applicants wants to file the rejoinder, he may do so within a week. **List on 22.03.2021 for pronouncement of orders.**

#### 11     **IA(IBC)/39/KOB/2021 IN TIBA/03/KOB/2019**

Learned counsel for the applicant Shri B.Ashok Shenoy as well as learned counsel for the RP Shri Vinod PV appeared through VC. Counter has been filed by the RP. Learned counsel for the applicant sought time to file the rejoinder.

I have thoroughly perused the whole case records as well as the counter. After hearing the counsel of both the parties, the case is **Reserved for Orders**. Since the

learned counsel for the applicants wants to file the rejoinder, he may do so within a week . **List on 22.03.2021 for pronouncement of orders.**

**12 MA/71/KOB/2020 IN IBA/38/KOB/2019**

Learned advocate Shri KB Arun Kumar appeared for the Applicant. Learned counsel for R4 Shri Pranoy Harilal appeared through VC. None has appeared for R3. Shri Pranoy pointed out that the stay order passed by the Hon'ble NCLAT against the order of this Tribunal in MA/25/KOB/2020 still continues and the matter has been partly heard and for further arguments adjourned to 8.03.2021 from 24.02.2021. Hence, he sought an adjournment. Adjourned to **09.04.2021 for hearing.**

Registry is directed to issue copy of this order to the learned counsel of all the parties through email.

**13 IA/209/KOB/2020 IN CP/42/KOB/2020**

Learned counsel for the Petitioners Shri Sunil Shankar appeared through VC. Learned counsel for R1 to R5 Shri A.N.Rajan Babu and learned GP for R6 & R7 Shri Mohammed Fazil appeared through VC. Adjourned to **30.04.2021**

**14 CP/42/KOB/2020**

Learned counsel for the Petitioners Shri Sunil Shankar appeared through VC. Learned counsel for R1 to R5 Shri A.N.Rajan Babu and learned GP for R6 & R7 Shri Mohammed Fazil appeared through VC. Adjourned to **30.04.2021.**

**15 CA/5/KOB/2021 IN CP/50/KOB/2020**

Learned counsel for the Petitioner Shri Madhu Radhakrishnan appeared through VC. Learned counsel for R1 to R5 Shri A.N.Rajan Babu and learned GP for R6 & R7 Shri Mohammed Fazil appeared through VC. Heard both sides. **Reserved for Orders. List for pronouncement of orders on 30.04.2021.**

**16 CP/50/KOB/2020**

Learned counsel for the Petitioner Shri Madhu Radhakrishnan appeared through VC. Learned counsel for R1 to R5 Shri A.N.Rajan Babu and learned GP for R6 & R7 Shri Mohammed Fazil appeared through VC. Adjourned to **30.04.2021.**

**17 CA/26/KOB/2021 IN CP/51/KOB/2020**

Learned counsel for the Petitioner Shri Madhu Radhakrishnan appeared through VC. Learned counsel for R1 to R5 Shri A.N.Rajan Babu and learned GP for R6 & R7 Shri Mohammed Fazil appeared through VC. Adjourned **to 30.04.2021.**

**18 CA/4/KOB/2021 IN CP/51/KOB/2020**

Learned counsel for the Petitioner Shri Madhu Radhakrishnan appeared through VC. Learned counsel for R1 to R5 Shri A.N.Rajan Babu and learned GP for R6 & R7 Shri Mohammed Fazil appeared through VC. Heard both sides. **Reserved for orders. List for pronouncement of orders on 30.04.2021.**

**19 CA/6/KOB/2021 IN CP/51/KOB/2020**

Learned counsel for the Petitioner Shri Madhu Radhakrishnan appeared through VC. Learned counsel for R1 to R5 Shri A.N.Rajan Babu and learned GP for R6 & R7 Shri Mohammed Fazil appeared through VC. Adjourned **to 30.04.2021.**

**20 CP/51/KOB/2020**

Learned counsel for the Petitioner Shri Madhu Radhakrishnan appeared through VC. Learned counsel for R1 to R5 Shri A.N.Rajan Babu and learned GP for R6 & R7 Shri Mohammed Fazil appeared through VC. Adjourned **to 30.04.2021.**

**21 TCP/56/KOB/2020 (CP/47/2009 of High Court of Kerala)**

None has appeared for the petitioner. This case was originally filed before the Hon'ble High Court of Kerala and subsequently transferred to this Tribunal. It is noted that with regard to the notice issued from this Registry, R1, R3, R5, R6, R7, R13 and R15 have received the notice. But in the case of R4, R9, R10, R11 and R12 the same has been returned with postal remarks stating "insufficient address", R2 "expired", R14 "not known" and R8 "left".

But none has taken steps to defend their case.

Registry is directed to issue notice to the Petitioner by Registered Post with A/d either to appear in person or through VC. List on **08.04.2021.**

**22 TCP/57/KOB/2020 (CP/19/1999 of High Court of Kerala)**

Learned counsel for the Petitioner Shri Paul Jacob appeared through VC. It is noted that with regard to the notice issued from this Registry to the respondents, all notices have been returned with postal remarks stating “closed”, “left”, “unclaimed”, “deceased”, “locked”, “no such addressee”, etc.

The Petitioner is directed to issue fresh notice to all the respondents through Registered Post with A/D and submit proof of service (A/d Card or Postal Track Report) with an affidavit before the next date fixed. List on **19.04.2021**.

**23 TCP/81/KOB/2019**

Learned counsel for the Petitioner Shri Philip Mathew as well as learned counsel for the respondents Smt Medha Rao appeared through VC. Smt Medha Rao sought an adjournment as her senior is engaged in the High Court. Request is allowed. **List on 15.03.2021 as Part Heard.**

**24 TCA/29/KOB/19**

Learned counsel for the Petitioner Shri Philip Mathew as well as learned counsel for the respondents Smt Medha Rao appeared through VC. Smt Medha Rao sought an adjournment as her senior is engaged in the High Court. Request is allowed. **List on 15.03.2021 as Part Heard.**

**25. TCP/52/KOB/2019 (CP/7/2017)**

Learned counsel for the Petitioners Shri T.K.Bhaskar submitted an email stating willingness to appear through VC. However, learned counsel for R1-R4, R5.1, R5.2, R5.3, R6, R12 & R13 Shri Jolly John submitted an email stating that R2 Shri C.V.Jacob passed away on 31.01.2021 and hence hearing cannot be proceeded unless adequate steps are taken to implead the legal heirs, in accordance with the rules.

**Adjourned to 01.04.2021 at 2.30 pm.**