

NCLT, KOCHI BENCH

Daily Orders – Draft

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

Date: 5th March 2021

1 IA(IBC)18/2021 IN TIBA/14/KOB/2019

Learned counsel for the applicant Shri Vinod PV appeared through VC. Orders pronounced. **IA(IBC)18/2021 IN TIBA/14/KOB/2019 stands disposed of Vide separate order.**

2 TCP/89/KOB/2019 (CP/03/2009)

Learned counsel for the Petitioners Ms Priyadarsini Vincent appeared through VC. Learned GP for R3 & R4 Shri Mohammed Fazil and learned counsel for R6 Shri Rajan Babu appeared through VC. Order pronounced. **TCP/89/KOB/2019 (CP/03/2009) stands disposed of vide separate order.**

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

Learned counsel for the applicant/RP Shri P.Sathisan as well as learned counsel for R7 Shri Aniyam P appeared through VC. Learned counsel for the FC Shri V.A.Ajaikumar also appeared through VC. Vide order dated 10.02.2021 The Applicant/RP was directed to issue notice to the respondents through Regd A/d and produce proof of service (A/D card or Postal Track Report) with an affidavit before this date. But the RP has not filed the affidavit till date. The RP is directed to file the same before the next date fixed positively. All respondents are directed to file their counter within two weeks. **List on 30.03.2021.**

4 IBA/41/KOB/2020

Learned counsel for the Financial Creditor Ms Umarani MN as well as learned counsel for the Corporate Debtor Shri VK Peer Mohamed Khan appeared through VC. Heard both sides.

Reserved for orders. List for pronouncement of orders on 09.04.2021, before that date the learned counsel for both the parties may file their Argument brief (limiting 5/6 pages).

5 IA(IBC)/49/KOB/2021 IN IBA/42/KOB/2020

Learned counsel for the applicant Shri G.Sivasankar as well as learned counsel for the Respondent/Financial Creditor Shri Vinod PV appeared through VC. This is an IA filed by the applicant who is the respondent in the IBA. The applicant has sought the direction to produce the Originals of Annexures A6 to A18 and to send the originals of the said documents to a Court approved Forensic Expert/Handwriting Analyst along with the specimen signatures and contemporary signatures for verifying the authenticity of the signatures appearing in the said Annexures.

Shri Vinod PV submitted that he shall file the counter. He may do so within two weeks. List on **07.04.2021**.

6 IBA/42/KOB/2020

Learned counsel for the applicant/FC Shri Vinod PV as well as learned counsel for the Respondent Shri G.Sivasankar appeared through VC. **Pleadings are complete. List on 07.04.2021 for final hearing.**

7 IBA/43/KOB/2020

Learned counsel for the applicant/FC Shri Vinod PV as well as learned counsel for the Respondent Shri Mohan Pulickkal appeared through VC. **Pleadings are complete. List on 07.04.2021 for final hearing.**

8 IBA/44/KOB/2020

Learned counsel for the applicant/FC Shri Vinod PV as well as learned counsel for the Respondent Shri Mohan Pulickkal appeared through VC. **Pleadings are complete. List on 07.04.2021 for final hearing.**

9 IBA/45/KOB/2020

Learned counsel for the applicant/FC Shri Vinod PV as well as learned counsel for the Respondent Shri Mohan Pulickkal appeared through VC. **Pleadings are complete. List on 07.04.2021 for final hearing.**

10 TCP/58/KOB/2020 (Writ Petition no.5442/2019 of High Court of Kerala)
WITH CAVEAT NO. 17/KOB/2020

Shri Pranoy Harilal appeared through VC on behalf of the learned counsel for the Petitioners Shri Surya Binoy. Learned counsel for R20 and Caveator Shri Madhu Radhakrishnan also appeared through VC. Learned. ROC also appeared through VC.

It is noted that with regard to the notice issued from this Registry, R1, R2, R3, R4, R5, R9, R10, R11, R12, R13, R14, R16, R17, R18, R19 and R20 have received the notice. In the case of R7 & R15 the same has not yet been returned after service. The Petitioners are directed to issue fresh notice to R7 & R15 through Regd A/D and also through email and submit proof of service (A/D Card or Postal Track Report) with an affidavit before the next date fixed.

All the respondents are directed to file their counter within three weeks. Registry is directed to issue copy of this order to the learned counsel of both the parties through email.

List on **06.04.2021**.

11 TCP/59/KOB/2020 (Writ Petition no.5375/2019 of High Court of Kerala)
WITH CAVEAT NO.16/KOB/2020

Shri Pranoy Harilal appeared through VC on behalf of the learned counsel for the Petitioners Shri Surya Binoy. Learned counsel for R20 and Caveator Shri Madhu Radhakrishnan also appeared through VC.

It is noted that with regard to the notice issued from this Registry, R2 to R4, R9 to R15, R19 and R20 have received the notice. But in the case of R6 the same has been returned with postal remarks stating "not known", R8 "intimated, but returned unserved" and R16 "left India". Notice issued to R1 (Union of India – MCA) has also not been returned.

The Petitioners are directed to issue fresh notice to R6, R8 & R16 through Regd A/D and submit proof of service (A/D Card or Postal Track Report) with an affidavit before the next date fixed.

All the respondents are directed to file their counter within three weeks. Registry is directed to issue copy of this order to the learned counsel of both the parties through email.

List on **06.04.2021**.

12 TCP/60/KOB/2020 (Writ Petition no.24764/2018 of High Court of Kerala)

None has appeared for the Petitioner. R3(ROC) appeared through VC. It is noted that notice has already been served to all respondents. Respondents are therefore directed to file their counter within 3 weeks.

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

List on 06.04.2021.

13 TCP/61/KOB/2020 (Writ Petition no.13385/2019 of High Court of Kerala)

Learned counsel for the Petitioner Shri Pranoy Harilal appeared through VC. ROC also appeared through VC. It appears that notice has already been served to the Respondents viz: (1) Union of India and (2) ROC, Kerala. The respondents are directed to file their counter within three weeks. The petitioner may file his rejoinder, if any, before the next date fixed.

List on 06.04.2021.

14 TCP/62/KOB/2020 (Writ Petition no.22206/2015A of High Court of Kerala)

None has appeared for the petitioner. R3(ROC) appeared through VC. It is noted that notice has already been served to all respondents. Respondents are directed to file their counter within 3 weeks.

List on 06.04.2021. Registry is directed to issue copy of this order to the learned counsel of the petitioner through email.

15 TCP/63/KOB/2020 (Writ Petition no.22211/2015B of High Court of Kerala)

None has appeared for the petitioner. It is noted that with regard to the notice issued from this Registry, R1 (ROC) has only received the notice. ROC appeared through VC. In the case of R2 & R3 acknowledgement card has not been returned.

The Petitioner is directed to issue fresh notice to R2 & R3 through Regd A/D and submit proof of service (A/D Card or Postal Track Report) with an affidavit before the next date fixed. Registry is directed to issue copy of this order to the learned counsel of the petitioner through email.

All the respondents are directed to file their counter within three weeks.

List on 06.04.2021.

16 TCP/64/KOB/2020 (Writ Petition no.22180/2015V of High Court of Kerala)

None has appeared for the petitioner. It is noted that notice has already been served to all respondents. Respondents are therefore directed to file their counter within 3 weeks.

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

List on 06.04.2021.

17 TCP/65/KOB/2020 (Writ Petition no.2649/2014 of High Court of Kerala)

Learned counsel for the Petitioner Shri Madhu Radhakrishnan appeared through VC. It is noted that with regard to the notice issued from this Registry, R1, R3, R5 and R8 to R12 have received the notice. In the case of R4 the same has been returned with postal remarks stating "not known" and R6 "intimated, but not accepted"

The Petitioners are directed to issue fresh notice to R4 & R6 through Regd A/D and submit proof of service (A/D Card or Postal Track Report) with an affidavit before the next date fixed.

All the respondents are directed to file their counter within three weeks. Registry is directed to issue copy of this order to the learned counsel of both the parties through email.

List on 06.04.2021.

18 IA/91/KOB/2020 IN CP/16/KOB/2020

Learned counsel for the applicant Shri Sukumar Nainan submitted an email seeking an adjournment stating that he is engaged in another case before the Hon'ble High Court of Kerala. **Adjourned to 05.04.2021.**

19 IA/126/KOB/2020 IN CP/16/KOB/2020

Learned counsel for the Respondent Shri Sukumar Nainan submitted an email seeking an adjournment stating that he is engaged in another case before the Hon'ble High Court of Kerala. Shri Philip Mathew is ready to appear through VC. **Adjourned to 05.04.2021.**

20 IA/127/KOB/2020 IN CP/16/KOB/2020

Learned counsel for the applicant Shri Sukumar Nainan Oommen submitted an email seeking an adjournment stating that he is engaged in another case before the Hon'ble High Court of Kerala. Shri Philip Mathew and Shri Jomy George are ready to appear through VC. **Adjourned to 05.04.2021.**

21 **IA/128/KOB/2020 IN CP/16/KOB/2020**

Learned counsel for the applicant Shri Sukumar Nainan Oommen submitted an email seeking an adjournment stating that he is engaged in another case before the Hon'ble High Court of Kerala. Shri Philip Mathew, and Shri Jomy George are ready to appear through VC. **Adjourned to 05.04.2021.**

22 **CONTEMPT PETITION/06/KOB/2020 IN CP/16/KOB/2020**

Shri Philip Mathew is ready to appear through VC. But Shri Sukumar Nainan Oommen submitted an email seeking an adjournment stating that he is engaged in another case before the Hon'ble High Court of Kerala.

Adjourned to 05.04.2021.

23 **CP/16/KOB/2020**

Learned counsel for the applicant Shri Sukumar Nainan Oommen submitted an email seeking an adjournment stating that he is engaged in another case before the Hon'ble High Court of Kerala. Shri Philip Mathew and Shri Jomy George are ready to appear through VC.

Adjourned to 05.04.2021.