

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

### **Daily Orders – Draft**

**Date: 6<sup>th</sup> July 2021**

In the Bench of: **Shri Ashok Kumar Borah, Member (Judicial) &  
Shri Rajesh Sharma, Member (Technical)**

**1 CP/28/KOB/2021**

Learned PCS for the Petitioner Shri Bijoy Chacko as well as learned Company Secretary of the Respondent Company Shri Jinu John Jacob appeared through VC.

This Company Petition has been filed by M/s. Smartcity (India) FZ LLC against Smartcity (Kochi) Infrastructure Pvt Ltd. with the prayer to issue an order under Section 97 of the Companies Act 2013 to convene the Annual General Meeting of the Respondent Company for the year ended 31.03.2020.

The Petitioner and the Respondent are having 84% and 16% shareholding respectively in the Respondent Company. The paid-up capital of the Company is Rs.195,00,00,000/-. The Smartcity project is going on in full swing in 246 Acres of land in Kochi. The Respondent Company has taken a loan of Rs.200 crores from State Bank of India.

The petitioner is directed to issue fresh notice to the respondent through Registered Post with A/D / Speed post with A/D and submit proof of service (A/D card or Postal Track Report) with an affidavit before the next date of hearing. Registry is also directed to issue notice to the respondent through email. The Respondent is directed to file the counter within 15 days with copy served in advance to the petitioner. The petitioner may file rejoinder, if any, within 15 days of receipt of reply from the Respondent Company.

**List the matter on 26.08.2021 for hearing.**

**2 IA(IBC)/93/KOB/2021 IN MA/185/KOB/2020 IN TIBA/03/KOB/2019**

Learned counsel for the Applicant Ms Jinnu Sara George appeared through VC. Heard and perused the records.

**IA(IBC)/93/KOB/2021 IN MA/185/KOB/2020 IN TIBA/03/KOB/2019 stands dismissed vide separate sheets.**

### 3 IA(IBC)/97/KOB/2021 IN CP(IB)/91/CB/2018

Learned counsel for the applicant Shri T.K. Bhaskar as well as learned counsel for the Liquidator Ms Merin Thaliath appeared through VC.

This is an IA filed by the Applicant M/s. Amara Raja Batteries Limited with the prayer to permit the applicant to submit its claim of Rs.4,32,26,738/- to the Respondent/Liquidator and consequently direct the Respondent/Liquidator to verify, accept and admit the said claim in accordance with law.

It appears from page 69 of this IA that the petitioner had submitted his claim to the Liquidator for Rs.4,27,96,436/- with costs of Rs.4,30,302/- attaching the Judgement and decree of the Hon'ble District Court at Ranga Reddy, Hyderabad, which has been passed in favour of the applicant. But the Liquidator has not taken any decision on the aforesaid application of the applicant till now Hence this IA.

Heard both sides and perused the records.

The Liquidator is directed to adjudge the claim of the applicant and issue a reply to him within two months from the date of receipt of this Order.

With the above direction **IA(IBC)/97/KOB/2021 IN CP(IB)/91/CB/2018 stands disposed of.**

### 4 MA/207/KOB/2020 IN IA/129/KOB/2020 IN TIBA/07/KOB/2019

Learned counsel for the applicant Shri Babu Karukapadath as well as learned liquidator Shri Jasin Jose appeared through VC.

The applicant has filed an IA for amending the prayers of this MA, but the same has not been listed today due to some defects in the application. The learned counsel for applicant stated that he has already cured the defects pointed out by the Registry.

Registry is directed to verify and number the IA, if it is in order and list **along with this MA on 03.08.2021.**

The Applicant is directed to file a consolidated index in this MA before next date of hearing.

### 5 IBA/11/KOB/2020

Learned counsel for the FC Shri Mohan Jacob George as well as the Managing Director of the CD Shri Arun Kumar appeared through VC.

It appears from record that this case has been adjourned several times at the request of the CD and the Bank seeking time to file the settlement memo. But the settlement memo has not yet been filed.

Both the parties are directed to file the settlement memo before the next date of hearing positively, failing which, the case will be admitted and appropriate orders will be passed.

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

**List on 26.07.2021 for settlement memo/final hearing.**

**6 CP(IB)/4/KOB/2021**

Learned counsel for the petitioner Shri Nidhi Sam John as well as learned counsel for the CD Ms Merin Thaliath appeared through VC.

Heard both sides.

**Reserved for orders. List for pronouncement of orders on 16.07.2021.**

**7 TIA/130/KOB/2020 (CA/13/2009(CLB)) IN TCP/49/KOB/19**

None appeared for the Applicants.

It appears from records that the applicant has not appeared through VC in the last 4 hearings.

As a last chance, the **applicant is directed to appear through VC in the next date of hearing, failing which, the case will be dismissed.**

**List on 20.07.2021.**

**8 IA/23(KOB)/2020 IN TCP/49/KOB/19**

None appeared for the Applicants. Learned counsel for R8 Shri Jazil Dev appeared through VC.

**The Applicants are directed to appear through VC in the next date of hearing, failing which, the case will be dismissed.**

**List on 20.07.2021.**

**9 TCP/49/KOB/2019**

None appeared for the Petitioners. Learned counsel for R1 Shri Rishab S appeared through VC.

It appears from record that the applicant has not appeared through VC in the last 4 hearings.

**As a last chance, the petitioners are directed to appear through VC in the next date of hearing, failing which, the case will be dismissed.**

**List on 20.07.2021.**

10 TCP/81/KOB/2019

Learned counsel for the Petitioners Shri Philip Mathew as well as learned counsel for the respondents Shri T.K.Bhaskar appeared through VC. This is a part heard case. Since the Bench has been reconstituted, it has been decided to hear the matter afresh. **Hence released from Part heard.**

**List on 30.07.2021 for hearing.**

11 TCA/29/KOB/19

Learned counsel for the Applicant Shri Santhosh Mathew as well as learned counsel for R2 & R3 Shri Philip Mathew appeared through VC. This is a part heard case. Since the Bench has been reconstituted, it has been decided to hear the matter afresh. **Hence released from Part heard.**

**List on 30.07.2021 for hearing.**

12 CP/37/KOB/2020

None appeared for both the parties.

**List on 30.7.2021 for hearing.** Registry is directed to issue copy of this order to both the parties through Email

13 CP/49/KOB/2020

None appeared for both the parties.

**List on 30.7.2021 for hearing.**

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

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
KOCHI BENCH, KERALA**

**IA(IBC)/93/KOB/2021**

**In**

**MA/185/KOB/2020**

**In**

**TIBA/03/KOB/2019**

*(Under Rules 154 r/w 11 of NCLT Rules, 2016)*

**Order delivered on: 6<sup>th</sup> July 2021**

**Coram:**

**Hon'ble Mr. Ashok Kumar Borah, Member (Judicial)  
Hon'ble Mr. Rajesh Sharma, Member (Technical)**

**Applicant**

Shri Saheer T.P.  
(Legal Heir of Mr. Mohammed T.P.),  
S/o Mr. Mohammed T.P.  
Thandupura (H), Perumbilad,  
Palikuth PO, Chungathair,  
Malappuram 670 334.

**In the matter of**

RBL Bank Ltd - Financial Creditor

**Vs.**

Hindustan Newsprint Limited - Corporate Debtor

**Appearance through Video Conference:**

For applicant - Ms Jinnu Sara George, Advocate

## **ORDER**

1. This Order has arisen upon the application filed by the applicant under Rule 154 read with Rule 11 of NCLT Rules, 2016 seeking rectification of the Order dated 16.03.2021 passed by this Tribunal in MA/185/KOB/2021 in TIBA/03/KOB/2019.
2. The applicant herein was an applicant in MA/185/KOB/2020, representing his deceased father, Shri T.P.Mohammed, arrayed as Applicant No.13 in the above MA. After hearing the arguments advanced by the Learned Counsel of the applicant, the aforesaid MA was dismissed by this Tribunal vide Order dated 16.03.2021.
3. On going through the IA, it is seen that no error has been pointed out by the applicant in the Order passed by this Tribunal on 16.03.2021 in MA 185/KOB/2021. The contention of the applicant is that his claims were not included in the aforesaid Order dated 16.03.2021.
4. We have heard the learned counsel for the applicant through video conferencing and have gone through the records.
5. Since the final order has already been passed in MA/185/KOB/2020 on 16.03.2021, and there is no error pointed out by the applicant in the said order, this application cannot be entertained under Rule 154 of the NCLT

Rules. Rule 154 says that “*any clerical or arithmetical mistakes in any order of the Tribunal or error therein arising from any accidental slip or omission may, at any time be corrected by the Tribunal on its own motion or on application of any party by way of rectification.*” Sine we do not find any error apparent on the face of the record, IA(IBC)/93/KOB/2021 filed in MA/185/KOB/2020 in TIBA/03/KOB/2019 stands dismissed.

Dated this the 6<sup>th</sup> day of July, 2021.

**(Rajesh Sharma)**  
**Member (Technical)**

**(Ashok Kumar Borah)**  
**Member (Judicial)**