

NCLT, KOCHI BENCH

Daily Orders – Draft

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

Date: 7th Jan 2021

1 CP/06/KOB/2020

Learned counsel for the Petitioner Shri Nebil Nizar appeared through VC. Orders pronounced. **CP/ 06 /KOOB/2020 is disposed of vide separate order.**

2 CA/104/KOB/2020

Learned PCS for the Appellant Shri Ramachandran Santa Krishnaprasad appeared through VC. Orders pronounced. **CA/ 104 /KOOB/2020 is disposed of vide separate order.**

3 CA/106/KOB/2020

The appeal is listed today for pronouncement of orders. However, it is noted that the appellant has not submitted the required financial statements along with the appeal. The appellant is therefore given two days' time to submit the same. **Hence pronouncement of order is postponed to 12.01.2021 subject to submission of the aforesaid financial statements.**

4 CA/126/KOB/2020

Learned counsel for the Appellant Ms Sreepriya Kalarikkal appeared through VC. Orders pronounced. **CA/ 126 /KOOB/2020 is disposed of vide separate order.**

5 REPORT NO.127/KOB/2020 IN IBA/04/KOB/2020

None has appeared for the IRP. The IRP has sought some reliefs in his Report. If the IRP wants to seek any relief from this Tribunal, he has to file an IA for that purpose.. **Report NO.127/KOB/2020 in IBA/04/KOB/2020 is taken on record**

except the relief sought by the IRP. Registry is directed to place the report in the appropriate file.

6 REPORT NO.128/KOB/2020 IN IBA/24/KOB/2020

Learned IRP Shri Mohan TS appeared through VC. Report No.**128/KOB/2020 in IBA/24/KOB/2020 is taken on record**. Registry is directed to place the report in the appropriate file.

7 CA/55/KOB/2020

Learned counsel for the Applicant Shri Bijoy P. Pulipra appeared through VC. Learned counsel for R2 Shri Ponnann Alex G.R. also appeared through VC.

This CA was filed on 3.7.2020 under Section 59 of the Companies Act, 2013. However, the respondents have not yet filed their counter in spite of receipt of notice. Hence the learned counsel for the applicant insisted to pass orders on interim relief sought by the applicant. Learned counsel for the Respondent vehemently opposed the said request. He has stated that as per the Minutes of meeting dated 1st April 2017, which is produced by the applicant himself along with the application, it was decided to issue shares worth Rs.10 lakh to Shri Muraleedhara Kurup (petitioner). Besides, there was another agreement executed on 04.04.2016, which the petitioner did not file along with the CA.

I have heard both sides and have thoroughly perused the records. Considering the materials on record, I think it would not be justified to pass any order on interim relief without perusing the counter of the respondents. The respondents are therefore directed to file their counter within a week positively and the applicant may file his rejoinder, if any, before the next date fixed. **List on 03.02.2021 for hearing.**

8 MA/184/KOB/2020 IN IA/129/KOB/2020 IN TIBA/07/KOB/2019

Learned Liquidator Shri Jasin Jose appeared through VC. Learned counsel for the Suspended Director of CD Shri S. Easwaran also appeared through VC. This MA is filed by the RP seeking directions to the suspended director of CD to cancel the renewal of the lease agreement and credit back the amount of rent received in the Company's account and to publish the winding up notice in the website of the Company.

Counter has already been filed. Learned counsel for the Respondent submitted that the lease agreement has already been cancelled and the amount has also been returned to the party and hence the question of crediting the amount to the Company's account does not arise. He has also alleged that the liquidator has admitted some claims which are time barred.

Heard both sides and perused the records. **List on 02.02.2021 at 2.30 pm for final hearing.**

9 MA/207/KOB/2020 IN IA/129/KOB/2020 IN TIBA/07/KOB/2019

Learned counsel for the Applicant Shri S. Easwaran as well as learned Liquidator Shri Jasin Jose appeared through VC. Learned counsel for the applicant submitted that he received the additional affidavit filed by the Liquidator/Respondent No.1 only yesterday. So, he sought one weeks' time to file a reply to the said additional affidavit. He may do so positively within one week. **List on 02.02.2021 at 2.30 pm for final hearing.**

10 MA/162/KOB/2020 IN IBA/52/KOB/2019

Learned counsel for the Applicant Shri Shivshankar R. Panicker as well as learned counsel for the RP Shri Vinod PV appeared through VC. Heard both sides. Reserved for orders. **List for pronouncement of orders on 21.01.2021.**

11 IBA/31/KOB/2020

Learned counsel for the Operational Creditor Shri Niranjana Sudheer appeared through VC. Shri Shivshankar R. Panicker also appeared through VC and submitted that he has already relinquished the Vakkalath of the CD. His submission is recorded.

Pleadings are complete. The Corporate Debtor is directed to make necessary arrangements for appearance before this Tribunal, failing which law will take its own course. **Adjourned to 11.02.2021 for hearing. Since this is an IBC matter, the parties may bear in mind that this case cannot be prolonged and hence there shall be no further adjournment in this case. Registry is directed to issue copy of this order to the CD through email.**

12 IBA/40/KOB/2020

Learned counsel for the Operational Creditor Shri Jack Thalakkottur appeared through VC. Advocate Krishnakumar submitted an email stating that he is instructed to appear for the respondent. He also stated in the email that he is laid up due to fever and not able to reach the office and hence sought an adjournment for one week. But he has not filed the Vakkalath. Advocate Krishnakumar is directed to file the vakkalath in this case and also the counter within two weeks. The Operational Creditor may file the rejoinder, if any, before the next date fixed. **List on 09.02.2021.**

13 IA/217/KOB/2020 IN TCP/26/KOB/2019 (CP/716/19)

Learned counsel for the petitioner Shri Aswin Gopakumar submitted an email seeking a short adjournment. Learned counsel for the Respondents Ms Manjula Devi submitted an email stating willingness to appear through VC. **Adjourned to 19.02.2021.**

14 **IA/62/KOB/2020 IN TCP/26/KOB/2019**

Learned counsel for the petitioner Shri Aswin Gopakumar submitted an email seeking a short adjournment. Learned counsel for the Respondents Ms Manjula Devi submitted an email stating willingness to appear through VC. **Adjourned to 19.02.2021.**

15 **TCP/26/KOB/2019 (CP/716/19)**

Learned counsel for the petitioner Shri Aswin Gopakumar submitted an email seeking a short adjournment. Learned counsel for the Respondents Ms Manjula Devi submitted an email stating willingness to appear through VC. **Adjourned to 19.02.2021.**

16 **CP/115/KOB/2019**

Learned counsel for the petitioner Shri E.Narayanan appeared through VC. None has appeared for the Respondent. It appears from records that based on the request of the learned counsel for the petitioner, this Bench had given time to the petitioner to file the settlement memo on or before 26.8.2020. But when the case was posted on 28.8.2020, the learned counsel for the petitioner sought an adjournment through email. **Pleadings are complete.** It is noted that the learned counsel for R1 Shri PM Unni Namboodiri has already relinquished the Vakkalath of R1. Registry has duly informed about this to R1. However, R1 is not present today. No settlement memo has also been filed till date. Anyhow, a last opportunity is given to R1 to pursue the case. **List on 25.02.2021 for final hearing.** If no representation by R1 on the said date, law will take its own course. Registry is directed to issue copy of this order to R1 through email.

17 **IA/196/KOB/2020 IN CP/40/KOB/2020**

Learned counsel for the Applicant Shri Renjith Rajappan submitted an email stating willingness to appear through VC. However, learned counsel for R1 Shri Gokul RI submitted an email seeking some more time to file the counter and hence sought an adjournment. No response from R2 to R5. **Adjourned to 22.02.2021.**

18 **CP/40/KOB/2020**

Learned counsel for the petitioner Shri Gokul RI submitted an email stating willingness to appear through VC. Learned counsel for R1 to R4 Shri Rajesh Narayan Iyer submitted an email stating that on account of the untimely death of his father he was not able to complete the objection to be filed in the case. Hence, he sought further time to file his objections in the case. R1 to R4 are directed to file their counter within two weeks positively. **Adjourned to 22.02.2021.**

19 CP/45/KOB/2020

No response from the Petitioner. Learned counsel for R1 to R4 Shri Rajesh Narayan Iyer submitted an email stating that on account of the untimely death of his father he was not able to complete the objection to be filed in the case. Hence, he sought further time to file his objections in the case. Respondents are directed to file their counter within two weeks positively. Shri Gokul RI also sought some more time to file counter. He may also file counter within two weeks. **Adjourned to 22.02.2021.**

20 CP(CAA)/01/(KOB)/2020

Learned counsel for the petitioner Shri Anil D. Nair appeared through VC. Today the case is posted for considering the report of RoC and submission of proof of paper publication. ROC has already filed his report. Registry reported that the proof of paper publication filed by the Petitioner is defective because of non-filing in the stamp paper. **Shri Anil D. Nair submitted that he will cure the defects within a day or two. List on 20.01.2021 for final hearing.**

21 CP(CAA)/02/(KOB)/2020

Learned counsel for the petitioner Shri Anil D. Nair appeared through VC. Today the case is posted for considering the report of RoC and submission of proof of paper publication. ROC has already filed his report. Registry reported that the proof of paper publication filed by the Petitioner is defective because of non-filing in the stamp paper. **Shri Anil D. Nair submitted that he will cure the defects within a day or two. List on 20.01.2021 for final hearing.**

22 CP/98/KOB/2019

Learned counsel for petitioner Shri Philip Mathew sent an email stating that he has relinquished the Vakalath of petitioner and that Shri Sukumar Ninan Oomen, Advocate will be appearing for the petitioner. However, he has not filed any vakalath with no objection from Shri Philip Mathew. He may do so. List for hearing on 23.2.2021 at 2.30 pm.

. Learned counsel for the petitioner Shri Sukumar Ninan Oommen and learned counsel for the respondents 1&2 Shri P.Sanjay, and for R3 Shri PP Zibi Jose, PCS appeared through VC. List **on 23.2.2021 at 2.30 pm.**

23 CONTEMPT PETITION/08/KOB/2020 IN CP/99/KOB/2019

Learned counsel for petitioner Shri Sukumar Ninan Oommen as also learned counsel for the contemnor Shri P.Sanjay appeared through VC. Adjourned to **23.2.2021 at 2.30 pm.**

24 CP/99/KOB/2019

Learned counsel for the petitioner Shri Sukumar Ninan Oommen and learned counsel for the respondents 1&2 Shri P.Sanjay, for R3 Shri PP Zibi Jose, PCS and for R4 Shri Sumit Agarwal appeared through VC. List **on 23.2.2021 at 2.30 pm.**

25 CP/100/KOB/2019

Learned counsel for the petitioner Shri Sukumar Ninan Oommen and learned counsel for the respondents 1&2 Shri P.Sanjay, for R4 Shri PP Zibi Jose, PCS and for R3 Shri Sumit Agarwal appeared through VC. List **on 23.2.2021 at 2.30 pm.**

26 CP/101/KOB/2019

Learned counsel for the petitioner Shri Sukumar Ninan Oommen and learned counsel for the respondents 1&2 Shri P.Sanjay, and for R3 Shri PP Zibi Jose, PCS appeared through VC. List **on 23.2.2021 at 2.30 pm.**

27 CP/102/KOB/2019

Learned counsel for the petitioner Shri Sukumar Ninan Oommen and learned counsel for the respondents 1&2 Shri P.Sanjay, for R3 Shri PP Zibi Jose, PCS and for R4 Shri Sumit Agarwal appeared through VC. List **on 23.2.2021 at 2.30 pm.**

28 CP/103/KOB/2019

Learned counsel for the petitioner Shri Sukumar Ninan Oommen and learned counsel for the respondents 1&2 Shri P.Sanjay, and for R3 Shri PP Zibi Jose appeared through VC. List **on 23.2.2021 at 2.30 pm.**

29 CA/02/KOB/2021 IN IA/169/KOB/2020 IN CP/114/KOB/2019

Learned counsel for the applicant Shri Sukumar Ninan Oommen and learned counsel for Respondents 1&2 Shri P.Sanjay, for R3 Shri Zibi Jose, PCS and R4 Shri Sumit Agarwal appeared through VC. This CA has been filed by the petitioner in CP 114/KOB/2019 for hearing of IA/169/KOB/2020 with the main CP on 7.1.2021. Learned counsel for Respondents 1&2 sought time. Since there is no room to an

early posting of the matter, the IA 169/KOB/2020 will be heard on 21.01.2021 as already posted. **Hence, CA 02/KOB/2021 stands disposed of.**

30 IA/58/KOB/2019 IN CP/114/KOB/2019

Learned counsel for the applicant Shri Sukumar Ninan Oommen and learned counsel for the respondents 1&2 Shri P.Sanjay, for R3 Shri PP Zibi Jose, PCS and for R4 Shri Sumit Agarwal appeared through VC. List **on 23.2.2021 at 2.30 pm.**

31 IA 83/KOB/2020 IN CP/114/KOB/2019

Learned counsel for the applicant Shri Sukumar Ninan Oommen and learned counsel for the respondents 1&2 Shri P.Sanjay, for R3 Shri PP Zibi Jose, PCS and for R4 Shri Sumit Agarwal appeared through VC. List **on 23.2.2021 at 2.30 pm.**

32 IA/87/KOB/2020 IN CP/114/KOB/2019

Learned counsel for the applicant Shri Sukumar Ninan Oommen and learned counsel for the respondents 1&2 Shri P.Sanjay, for R3 Shri PP Zibi Jose, PCS and for R4 Shri Sumit Agarwal appeared through VC. List **on 23.2.2021 at 2.30 pm.**

33 IA/95/KOB/2020 IN CP/114/KOB/2019

Learned counsel for the applicant Shri Sukumar Ninan Oommen and learned counsel for the respondents 1&2 Shri P.Sanjay, for R3 Shri PP Zibi Jose, PCS and for R4 Shri Sumit Agarwal appeared through VC. List **on 23.2.2021 at 2.30 pm.**

34 CP/114/KOB/2019

Learned counsel for the petitioner Shri Sukumar Ninan Oommen and learned counsel for the respondents 1&2 Shri P.Sanjay, for R3 Shri PP Zibi Jose, PCS and for R4 Shri Sumit Agarwal appeared through VC. List **on 23.2.2021 at 2.30 pm.**

The learned counsel for the petitioner suggested that while arguing the matter by one party, other side should be muted their system . They may make their submission at the time of their turn comes. This will be helpful for clear hearing of the matter by the Bench. The learned counsel for the respondents agreed to this suggestion. Hence this Tribunal directs that when one party argues the matter the other side should mute their system and any objection may be raised only when his/their turn comes. It is expected that both parties will cooperate for early disposal of the matter. Let the Registry send a copy of this order to all the parties through mail, for their information.

35 CA/01/KOB/2021 IN IA/170/KOB/2020 IN CP/119/KOB/2019

Learned counsel for the applicant Shri Sukumar Ninan Oommen and learned counsel for Respondents 1&2 Shri P.Sanjay, for R3 Shri Zibi Jose, PCS and R4 Shri Sumit Agarwal appeared through VC. This CA has been filed by the petitioner in CP 119/KOB/2019 for hearing of IA/170/KOB/2020 with the main CP on 7.1.2021. Learned counsel for Respondents 1&2 sought time. Since there is no room to an early posting of the matter, the IA 170/KOB/2020 will be heard on 21.01.2021 as already posted. **Hence, CA 01/KOB/2021 stands disposed of.**

36 IA/65/KOB/2019 IN CP/119/KOB/2019

Learned counsel for the applicant Shri Sukumar Ninan Oommen and learned counsel for the respondents 1&2 Shri P.Sanjay, for R3 Shri PP Zibi Jose, PCS and for R4 Shri Sumit Agarwal appeared through VC. List **on 23.2.2021 at 2.30 pm.**

37 IA/84/KOB/2020 IN CP/119/KOB/2019

Learned counsel for the applicant Shri Sukumar Ninan Oommen and learned counsel for the respondents 1&2 Shri P.Sanjay, for R3 Shri PP Zibi Jose, PCS and for R4 Shri Sumit Agarwal appeared through VC. List **on 23.2.2021 at 2.30 pm.**

38 IA/86/KOB/2020 IN CP/119/KOB/2019

Learned counsel for the applicant Shri Sukumar Ninan Oommen and learned counsel for the respondents 1&2 Shri P.Sanjay, for R3 Shri PP Zibi Jose, PCS and for R4 Shri Sumit Agarwal appeared through VC. List **on 23.2.2021 at 2.30 pm.**

39 IA/93/KOB/2020 IN CP/119/KOB/2019

Learned counsel for the applicant Shri Sukumar Ninan Oommen and learned counsel for the respondents 1&2 Shri P.Sanjay, for R3 Shri PP Zibi Jose, PCS and for R4 Shri Sumit Agarwal appeared through VC. List **on 23.2.2021 at 2.30 pm.**

40 CP/119/KOB/2019

Learned counsel for the petitioner Shri Sukumar Ninan Oommen and learned counsel for the respondents 1&2 Shri P.Sanjay, for R3 Shri PP Zibi Jose, PCS and for R4 Shri Sumit Agarwal appeared through VC. List **on 23.2.2021 at 2.30 pm.**

41 CA/03/KOB/2021 IN IA/171/KOB/2021 IN CP/125/KOB/2019

Learned counsel for the applicant Shri Sukumar Ninan Oommen and learned counsel for Respondents 3 Shri Zibi Jose, PCS and R4 Shri Sumit Agarwal appeared through VC. This CA has been filed by the petitioner in CP 125/KOB/2019 for hearing of IA/171/KOB/2020 with the main CP on 7.1.2021. Learned counsel for Respondents 1&2 sought time. Since there is no room to an early posting of the

matter, the IA 171/KOB/2020 will be heard on 21.01.2021 as already posted. **Hence, CA 03/KOB/2021 stands disposed of.**

42 IA/85/KOB/2020 IN CP/125/KOB/2019

Learned counsel for the applicant Shri Sukumar Ninan Oommen and learned counsel for the respondent R3 Shri PP Zibi Jose, PCS and for R4 Shri Sumit Agarwal appeared through VC. List **on 23.2.2021 at 2.30 pm.**

43 IA/88/KOB/2020 IN CP/125/KOB/2019

Learned counsel for the applicant Shri Sukumar Ninan Oommen and learned counsel for the respondent R3 Shri PP Zibi Jose, PCS and for R4 Shri Sumit Agarwal appeared through VC. List **on 23.2.2021 at 2.30 pm.**

44 IA/94/KOB/2020 IN CP/125/KOB/2019

Learned counsel for the applicant Shri Sukumar Ninan Oommen and learned counsel for the respondent R3 Shri PP Zibi Jose, PCS and for R4 Shri Sumit Agarwal appeared through VC. List **on 23.2.2021 at 2.30 pm.**

45 CP/125/KOB/2019

Learned counsel for the petitioner Shri Sukumar Ninan Oommen and learned counsel for the respondent 3 Shri PP Zibi Jose, PCS and for R4 Shri Sumit Agarwal appeared through VC. List **on 23.2.2021 at 2.30 pm**

46 CP/25/KOB/2020

Learned PCS for the appellant Shri PP Zibi Jose, PCS and learned counsel for respondents 2,4 & Shri Sukumar Ninan Oommen, Shri P.Sanjay for R1&3 appeared through VC. No representation for R6. List **on 23.2.2021 at 2.30 pm.**

47 CP/26/KOB/2020

Learned PCS for the appellant Shri PP Zibi Jose, PCS and learned counsel for respondents 2,4 & Shri Sukumar Ninan Oommen, Shri P.Sanjay for R1&3 appeared through VC. No representation for R6. List **on 23.2.2021 at 2.30 pm.**

48 CP/27/KOB/2020

Learned PCS for the appellant Shri PP Zibi Jose, PCS and learned counsel for respondents 2,4 & Shri Sukumar Ninan Oommen, Shri P.Sanjay for R1&3 appeared through VC. No representation for R6. List **on 23.2.2021 at 2.30 pm.**

49 CA/64/KOB/2020

Learned PCS for the appellant Shri P.Sanjay and learned counsel for respondent No.1 Shri Sherry Samuel Oommen, Shri Sukumar Nainan Oommen for R 2,3 & 5 as also Shri PP Zibi Jose for R4 appeared through VC. No representation for R6. List **on 23.2.2021 at 2.30 pm.**