

NCLT, KOCHI BENCH

Daily Orders – Draft

Date: 7th July 2021

**In the Bench of: Shri Ashok Kumar Borah, Member (Judicial) &
Shri Satya Ranjan Prasad, Member (Technical)**

1 CA/11/KOB/2021

Learned Counsel for the Applicant Shri Cyriac Tom appeared through VC. Orders pronounced by Member (Judicial) on behalf of the Bench under Rule 151 of NCLT Rules, 2016.

CA/11/KOB/2021 stands disposed of vide separate order.

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

2 IA(IBC)/79/KOB/2021 IN TIBA/07/KOB/2019

Learned liquidator Shri Jasin Jose as well as learned counsel for R1 Shri Mohamed Hisham appeared through VC. Orders pronounced.

IA(IBC)/79/KOB/2021 IN TIBA/07/KOB/2019 stands dismissed vide separate order.

3 CP/29/KOB/2021

Learned counsel for the Petitioner Shri Philip Mathew as well as learned counsel for R1 to R3 Ms Latha Susan Cherian appeared through VC.

This is a petition filed by Shri Rajan Varghese against M/s. Malabar Mar Thoma Syrian Christian Evangelistic Association and 3 others under Section 97(1) of the Companies Act, 2013 seeking direction from this Tribunal to conduct the AGM of the R1 Company for the year 2019-20.

Heard both sides.

The Petitioner is directed to issue notice to R4/ROC 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 R4 through email. All the Respondents are directed to file their

counter within 4 weeks serving a copy in advance to the petitioner. The petitioner may file rejoinder, if any, within a week of receipt of reply from the Respondents.

List on 16.08.2021 for hearing.

4 CP(CAA)/3/KOB/2021 IN CA(CAA)/18/KOB/2019

Learned counsel for the Petitioner Shri Pranoy Harilal appeared through VC.

Vide order dated 03.11.2020 in CA(CAA)/17/KOB/2020 and CA(CAA)/18/KOB/2020 this Tribunal had dispensed with the holding, convening and conducting of the meeting of the Equity Shareholders and Creditors of the Petitioner Company in view of the consent affidavits filed by the respective parties in favour of the Scheme of Amalgamation.

This is the 2nd motion filed by the Transferee Company for sanction of the scheme of amalgamation of the Petitioner Company. The Petitioner has submitted that in compliance with the Order of this Tribunal they have served notices on 18.02.2021 to the statutory authorities, viz: RD, Income Tax Office, ROC, Official Liquidator, BSE, NSE and SEBI.

The Petitioner is directed to submit relevant summary details of the Petitioner Company with an affidavit within two weeks.

List on 23.07.2021 for further hearing/clarifications.

5 CP(CAA)/4/KOB/2021 IN CA(CAA)/17/KOB/2019

Learned counsel for the Petitioner Shri Pranoy Harilal appeared through VC.

Vide order dated 03.11.2020 in CA(CAA)/17/KOB/2020 and CA(CAA)/18/KOB/2020 this Tribunal had dispensed with the holding, convening and conducting of the meeting of the Equity Shareholders and Creditors of the Petitioner Companies in view of the consent affidavits filed by the respective parties in favour of the Scheme of Amalgamation.

This is the 2nd motion filed by the Transferor Company for sanction of the scheme of amalgamation of the Petitioner Company. The Petitioner has submitted that in compliance with the Order of this Tribunal they have served notices on 18.02.2021 to the statutory authorities, viz: RD, Income Tax Office, ROC and Official Liquidator.

The Petitioner is directed to submit summary details regarding the present position of the Petitioner Company with an affidavit within two weeks.

List on 23.07.2021 for further hearing/clarifications.

6 IA/63/KOB/2020 IN IBA/240/2019/CB

Learned counsel for the applicant Shri S. Easwaran appeared through VC. Advocate Shri Varun Sreenivasan and Advocate Shri A.G.Sathyanarayana appeared for the liquidator.

Shri Easwaran submitted that the Hon'ble High Court of Kerala has set aside the order of this Tribunal dated 01.02.2021 in MA/76/KOB/2020 and remanded the said MA to this Tribunal for considering afresh. However, no judgment of the Hon'ble High Court produced by him.

Shri Satya Narayana submitted that the aforesaid order of the Hon'ble High Court of Kerala has already been couriered to the Registry of this Tribunal. But Registry reported that the same has not been received.

The Liquidator is directed to ensure the submission of the copy of the Order of the Hon'ble High Court of Kerala to this Registry within a week.

List on 26.07.2021.

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

Learned counsel for the applicant Shri Sivasankar G as well as learned counsel for the respondent/FC Shri Vinod PV appeared through VC.

Heard both sides.

Reserved for orders. List for pronouncement of orders on 20.7.2021.

8 IBA/42/KOB/2020

Learned counsel for the FC Shri Vinod PV as well as learned counsel for the Respondent Shri G. Sivasankar appeared through VC.

Heard both sides.

Reserved for orders. List for pronouncement of orders on 20.7.2021.

9 IBA/43/KOB/2020

Learned counsel for the FC Shri Vinod PV as well as learned counsel for the Respondent Shri M.A.Shaji appeared through VC.

Heard both sides.

Reserved for orders. List for pronouncement of orders on 20.7.2021.

10 IBA/44/KOB/2020

Learned counsel for the FC Shri Vinod PV as well as learned counsel for the Respondent Shri M.A.Shaji appeared through VC.

Heard both sides.

Reserved for orders. List for pronouncement of orders on 20.7.2021.

11 IBA/45/KOB/2020

Learned counsel for the FC Shri Vinod PV as well as learned counsel for the Respondent Shri M.A.Shaji appeared through VC.

Heard both sides.

Reserved for orders. List for pronouncement of orders on 20.7.2021.

12 IA/50/KOB/2019 IN TCP/34/KOB/2019

Both the parties appeared through VC. Advocate Shri Renjith Rajappan sought an adjournment to enable his senior to argue the case. Adjournment request is allowed.

List on 18.08.2021 for hearing.

13 IA/66/KOB/2020 IN TCP/34/KOB/2019

Both the parties appeared through VC. Advocate Shri Renjith Rajappan sought an adjournment to enable his senior to argue the case. Adjournment request is allowed.

List on 18.08.2021 for hearing.

14 IA/67/KOB/2020 IN TCP/34/KOB/2019

Both the parties appeared through VC. Advocate Shri Renjith Rajappan sought an adjournment to enable his senior to argue the case. Adjournment request is allowed.

List on 18.08.2021 for hearing.

15 IA/204/KOB/2020 IN TCP/34/KOB/2019

Both the parties appeared through VC. Advocate Shri Renjith Rajappan sought an adjournment to enable his senior to argue the case. Adjournment request is allowed.

List on 18.08.2021 for hearing.

16 CA/9/KOB/2021 IN TCP/34/KOB/2019

Both the parties appeared through VC. Advocate Shri Renjith Rajappan sought an adjournment to enable his senior to argue the case. Adjournment request is allowed.

List on 18.08.2021 for hearing.

17 TCP/34/KOB/2019

Both the parties appeared through VC. Advocate Shri Renjith Rajappan sought an adjournment to enable his senior to argue the case. Adjournment request is allowed.

List on 18.08.2021 for hearing.

18 TIA/131/KOB/2020 (CA/228/CHENNAI BENCH) IN TCP/53/KOB/2019 (CP/33/2017/CHENNAI BENCH)

Both the parties appeared through VC. Advocate Shri Renjith Rajappan sought an adjournment to enable his senior to argue the case. Adjournment request is allowed.

List on 18.08.2021 for hearing.

19 TCP/53/KOB/2019 (CP/33/17)

Both the parties appeared through VC. Since the related matters are adjourned, let this matter be **adjourned to 18.08.2021**.

20 CP/47/KOB/2020

Both the parties appeared through VC. Since the related matters are adjourned, let this matter be **adjourned to 18.08.2021**.

21 CP/48/KOB/2020

Both the parties appeared through VC. Since the related matters are adjourned, let this matter be **adjourned to 18.08.2021**.

22 CA/33/KOB/2021 IN CP/08/KOB/2020

Learned counsel for the Applicant Shri Gokul RI appeared through VC and sought an adjournment as the Petitioner No.2 expired and that he has to take further steps to implead the legal heirs of the petitioner No.2. He may do so..

Adjourned to 29.7.2021.

23 IA/152/KOB/2020 IN CP/08/KOB/2020

Learned counsel for the Applicant Shri Gokul RI appeared through VC and sought an adjournment as the Petitioner No.2 expired and that he has to take further steps to implead the legal heirs of the petitioner No.2. He may do so..

Adjourned to 29.7.2021.

24 CP/08/KOB/2020

Learned counsel for the Applicant Shri Gokul RI appeared through VC and sought an adjournment as the Petitioner No.2 expired and that he has to take further steps to implead the legal heirs of the petitioner No.2. He may do so..

Adjourned to 29.7.2021.