

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

### **Daily Orders – Draft**

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

**Date: 9<sup>th</sup> March 2021**

#### **1 IA(IBC)/17/KOB/2021 IN IBA/26/KOB/2020**

Learned counsel for the applicant Shri Reji George as well as learned counsel for the respondent Shri P.V.Elias appeared through VC. Order pronounced. **IA(IBC)/17/KOB/2021 IN IBA/26/KOB/2020 is disposed of along with the order in IBA/26/KOB/2020.**

#### **2 IBA/26/KOB/2020**

Learned counsel for the Operational Creditor Shri Reji George as well as learned counsel for the Corporate Debtor Shri P.V.Elias appeared through VC. Order pronounced. **IBA/26/KOB/2020 is admitted vide separate order.**

#### **3 IA(IBC)/59/KOB/2021 IN IBA/133/2019**

Learned counsel for the Liquidator Shri P.V.Vinod appeared through VC. This is an application filed by the Liquidator seeking exclusion of Covid 19 lockdown period under Regulation 47A of the Insolvency and Bankruptcy Board of India (Liquidation Process) (Second Amendment) Regulations, 2016. **Heard and perused the records. IA(IBC)/59/KOB/2021 in IBA/133/2019 is disposed of vide separate sheets.**

#### **4 IA(IBC)/60/KOB/2021 IN IBA/30/KOB/2020**

Learned counsel for the applicant Shri Akhil Suresh as well as learned counsel for R2 Shri Shivashanker R. Panicker appeared through VC. This is an IA filed by the Applicant/ Operational Creditor under section 60(5) of IBC 2016 read with Rule 11 of NCLT Rules for advancing the date of hearing of IBA/30/KOB/2020 from 12.03.2021.

I have heard the learned counsel for both the parties. It appears that the **IBA/30/KOB/2020** is already posted to 12.03.2021. Since 11<sup>th</sup> being a holiday, it is not possible to advance the case to any earlier date. Accordingly, Shri Akhil Suresh sought permission to withdraw the IA. The request of the learned counsel of the Applicant is allowed. **IA(IBC)/60/KOB/2021 IN IBA/30/KOB/2020 is therefore dismissed as withdrawn.**

Shri Shivashanker R. Panicker submitted that as directed by this Tribunal vide order dated 24.02.2021 he will file the counter in IBA/30/KOB/2020 before 12.03.2021. He may do so positively before 12.03.2021.

#### 5 MA/199/KOB/2020 IN IBA/17/KOB/2020

Learned RP Shri K.T.Mathew appeared through VC. Vide order dated 18.01.2021 the RP was directed to submit the Form CA of the remaining 7 Allottees to enable this Tribunal to take a decision with regard to the appointment of Authorised Representative of Class of Creditors in this Case. The learned RP submitted that he has already filed the Form CA of the remaining 7 Allottees through an IA. Since the IA filed is defective, this matter is **reserved for orders to 12.3.2021**. In the meantime, the Resolution Professional may cure the defects. **List for pronouncement of orders on 12.03.2021**.

#### 6 IBA/37/KOB/2020

Learned counsel for the Operational Creditor Shri Thomas Kurivilla submitted an email seeking an adjournment for filing the Rejoinder. Learned counsel for the Corporate Debtor Shri Jithin Saji Issac submitted an email stating willingness to appear through VC. **Adjourned to 24.03.2021**. Rejoinder, if any, be filed well before that date.

#### 7 TCP/40/KOB/2019

Learned counsel of both sides submitted an email seeking an adjournment. Adjourned **to 27.04.2021**.

#### 8 TCP/82/KOB/2019 (CP/08/2016)

None has appeared for the parties. Meanwhile Registry has received emails from Adv Nirmal S and Adv C.R.Sivakumar stating that they will appear for the Petitioners and respondents respectively in the next date of hearing. They may file the Vakkalath of the parties before the next date fixed. List on **28.04.2021**

#### 9 CP(CAA)/06/KOB/2020

Learned counsel for the Petitioners Shri Gokul RI appeared through VC. It appears from records that the notices to the statutory authorities have been sent by the Petitioners through courier only on 25.02.2021. Under Section 230(5) of the Companies Act, 2013 *"a notice under subsection (3) along with all the documents in such form as may be prescribed shall also be sent to the Central Government, the Income Tax authorities, the Reserve Bank of India, the Securities and Exchange Board, the Registrar, the respective stock exchanges, the Official Liquidator, the Competition Commission of India*

*established under sub-section (1) of Section 7 of the Competition Act, 2002 (12 of 2003), if necessary, and such other sectoral regulators or authorities which are likely to be affected by the compromise or arrangement and shall require that representations, if any, to be made by them shall be made within a period of thirty days from the date of receipt of such notice, failing which, it shall be presumed that they have no representations to make on the proposals”.*

Since the notice was issued to the statutory authorities only on 25.02.2021, we have to wait for the response of the statutory authorities within thirty days from the date of receipt of such notice. Hence, adjourned to **31.03.2021.**

**10 IA/79/KOB/2020 IN CP/127/KOB/2019**

Learned PCS for the applicant Shri Bijoy P. Pulipra appeared through VC. Learned counsel for R1 to R3 Shri S Eshwar, learned counsel for R4 Shri Gokul RI and learned counsel for R5 Shri Zibi Jose appeared through VC. Arguments heard in part. List for further arguments **on 30.3.2021 at 2.30 pm**

**11 IA/92/KOB/2020 IN CP/127/KOB/2019**

Learned counsel for the applicants Shri S. Eshwar appeared through VC. Learned counsel for R1 & R2 Shri Bijoy P. Pulipra, learned counsel for R3 Shri Gokul RI and learned counsel for R4 Shri Zibi Jose appeared through VC. . Arguments heard in part. List for further arguments **on 30.3.2021 at 2.30 pm**

**12 CP/127/KOB/2019**

Learned PCS for the Petitioners Shri Bijoy P. Pulipra appeared through VC. Learned counsel for R1 to R3 Shri S. Eshwar, learned counsel for R4 Shri Gokul RI and learned counsel for R5 Shri Zibi Jose appeared through VC. . Arguments heard in part. List for further arguments **on 30.3.2021 at 2.30 pm**

**13 IA/58/KOB/2019 IN CP/114/KOB/2019**

Learned counsel for the Applicant Shri Sukumar Nainan Oommen, learned counsel for R1 & R2 Shri P.Sanjay and learned counsel for R3 Shri PP Zibi Jose and learned counsel for R4 Shri Sumit Agarwal intimated their willingness to appear through VC. Since the part heard case listed today was taken up for hearing, due to paucity of time, this matter is adjourned to **31.3.2021 at 2.30 pm**

**14 IA 83/KOB/2020 IN CP/114/KOB/2019**

Learned counsel for the Applicant Shri Sukumar Nainan Oommen, learned counsel for R1 & R2 Shri P.Sanjay and learned counsel for R3 Shri PP Zibi Jose and learned counsel for R4 Shri Sumit Agarwal intimated their willingness to appear

through VC. Since the part heard case listed today was taken up for hearing, due to paucity of time, this matter is adjourned to **31.3.2021 at 2.30 pm**

**15 IA/87/KOB/2020 IN CP/114/KOB/2019**

Learned counsel for the Applicant Shri Sukumar Nainan Oommen, learned counsel for R1 & R2 Shri P.Sanjay and learned counsel for R3 Shri PP Zibi Jose and learned counsel for R4 Shri Sumit Agarwal intimated their willingness to appear through VC. Since the part heard case listed today was taken up for hearing, due to paucity of time, this matter is adjourned to **31.3.2021 at 2.30 pm**

**16 IA/95/KOB/2020 IN CP/114/KOB/2019**

Learned counsel for the Applicant Shri Sukumar Nainan Oommen, learned counsel for R1 & R2 Shri P.Sanjay and learned counsel for R3 Shri PP Zibi Jose and learned counsel for R4 Shri Sumit Agarwal intimated their willingness to appear through VC. Since the part heard case listed today was taken up for hearing, due to paucity of time, this matter is adjourned to **31.3.2021 at 2.30 pm**

**17 CP/114/KOB/2019**

Learned counsel for the Petitioners Shri Sukumar Nainan Oommen, learned counsel for R1 & R2 Shri P.Sanjay and learned counsel for R3 Shri PP Zibi Jose and learned counsel for R4 Shri Sumit Agarwal intimated their willingness to appear through VC. Since the part heard case listed today was taken up for hearing, due to paucity of time, this matter is adjourned to **31.3.2021 at 2.30 pm**

**18 IA/65/KOB/2019 IN CP/119/KOB/2019**

Learned counsel for the Applicant Shri Sukumar Nainan Oommen, learned counsel for R1 & R2 Shri P.Sanjay and learned counsel for R3 Shri PP Zibi Jose and learned counsel for R4 Shri Sumit Agarwal intimated their willingness to appear through VC. Since the part heard case listed today was taken up for hearing, due to paucity of time, this matter is adjourned to **31.3.2021 at 2.30 pm.**

**19 IA/84/KOB/2020 IN CP/119/KOB/2019**

Learned counsel for the Applicant Shri Sukumar Nainan Oommen, learned counsel for R1 & R2 Shri P.Sanjay and learned counsel for R3 Shri PP Zibi Jose and learned counsel for R4 Shri Sumit Agarwal intimated their willingness to appear through VC. Since the part heard case listed today was taken up for hearing, due to paucity of time, this matter is adjourned to **31.3.2021 at 2.30 pm.**

**20 IA/86/KOB/2020 IN CP/119/KOB/2019**

Learned counsel for the Applicant Shri Sukumar Nainan Oommen, learned counsel for R1 & R2 Shri P.Sanjay and learned counsel for R3 Shri PP Zibi Jose and learned counsel for R4 Shri Sumit Agarwal intimated their willingness to appear through VC. Since the part heard case listed today was taken up for hearing, due to paucity of time, this matter is adjourned to **31.3.2021 at 2.30 pm**

**21 IA/93/KOB/2020 IN CP/119/KOB/2019**

Learned counsel for the Applicant Shri Sukumar Nainan Oommen, learned counsel for R1 & R2 Shri P.Sanjay and learned counsel for R3 Shri PP Zibi Jose and learned counsel for R4 Shri Sumit Agarwal intimated their willingness to appear through VC. Since the part heard case listed today was taken up for hearing, due to paucity of time, this matter is adjourned to **31.3.2021 at 2.30 pm**

**22 CP/119/KOB/2019**

Learned counsel for the Petitioners Shri Sukumar Nainan Oommen, learned counsel for R1 & R2 Shri P.Sanjay and learned counsel for R3 Shri PP Zibi Jose and learned counsel for R4 Shri Sumit Agarwal intimated their willingness to appear through VC. Since the part heard case listed today was taken up for hearing, due to paucity of time, this matter is adjourned to **31.3.2021 at 2.30 pm**

**23 IA/85/KOB/2020 IN CP/125/KOB/2019**

Learned counsel for the Applicant Shri Sukumar Nainan Oommen, learned counsel for R1 & R2 Shri P.Sanjay and learned counsel for R3 Shri PP Zibi Jose and learned counsel for R4 Shri Sumit Agarwal intimated their willingness to appear through VC. Since the part heard case listed today was taken up for hearing, due to paucity of time, this matter is adjourned to **31.3.2021 at 2.30 pm**

**24 IA/88/KOB/2020 IN CP/125/KOB/2019**

Learned counsel for the Applicant Shri Sukumar Nainan Oommen, learned counsel for R1 & R2 Shri P.Sanjay and learned counsel for R3 Shri PP Zibi Jose and learned counsel for R4 Shri Sumit Agarwal intimated their willingness to appear through VC. Since the part heard case listed today was taken up for hearing, due to paucity of time, this matter is adjourned to **31.3.2021 at 2.30 pm**

**25 IA/94/KOB/2020 IN CP/125/KOB/2019**

Learned counsel for the Applicant Shri Sukumar Nainan Oommen, learned counsel for R1 & R2 Shri P.Sanjay and learned counsel for R3 Shri PP Zibi Jose and learned counsel for R4 Shri Sumit Agarwal intimated their willingness to appear

through VC. Since the part heard case listed today was taken up for hearing, due to paucity of time, this matter is adjourned to **31.3.2021 at 2.30 pm**

26 CP/125/KOB/2019

Learned counsel for the Petitioners Shri Sukumar Nainan Oommen, learned counsel for R1 & R2 Shri P.Sanjay and learned counsel for R3 Shri PP Zibi Jose and learned counsel for R4 Shri Sumit Agarwal intimated their willingness to appear through VC. Since the part heard case listed today was taken up for hearing, due to paucity of time, this matter is adjourned to **31.3.2021 at 2.30 pm**