

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

### **Daily Orders – Draft**

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

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

**1 IBA/41/KOB/2020**

Learned counsel for the Financial Creditor Ms Umarani MN appeared through VC. None has appeared for the Corporate Debtor. Orders pronounced. **IBA/41/KOB/2020 is admitted vide separate order.**

**2 CP/115/KOB/2019**

No response from both the parties. Orders pronounced. **Provisional liquidator appointed vide separate order. List on 31.5.2021.**

**3 CP(CAA)/01/KOB/2021**

Learned counsel for the Petitioners Shri Yogindunath S appeared through VC. **Adjourned to 28.04.2021 for hearing.**

**4 IA(IBC)/72/KOB/2021 IN IBA/13/KOB/2020**

Learned counsel for the Applicant Smt Jayanthi K. Shah appeared through VC. This IA is filed by the Operational Creditor to appoint Shri Amier Hamsa Ali Abbas Rawther as IRP in the CIR Process. Heard the learned counsel for the OC. **IA(IBC)/72/KOB/2021 IN IBA/13/KOB/2020 stands dismissed vide separate sheets.**

**5 MA/71/KOB/2020 IN IBA/38/KOB/2019**

No response from both the parties. **Adjourned to 29.04.2021.**

**6 CA/37/KOB/2021 IN CP/08/KOB/2020**

Learned counsel for the applicant Shri Vinu Thomas as well as learned counsel for R1 to R4 Shri Yogindunath S appeared through VC.

This CA is filed by the Applicant/R2 with the prayer to take on record the documents annexed with the application. Allowed. The applicant is directed to serve full set of this CA to the learned counsel of R1 to R4 Shri Yogindunath S within a week. **CA/37/KOB/2021 IN CP/08/KOB/2020 stands disposed of accordingly. Registry is directed to properly index the additional documents.**

**7 CA/33/KOB/2021 IN CP/08/KOB/2020**

Learned counsel for the applicants Shri Yogindunath S as well as learned counsel for the respondents Shri Vinu Thomas appeared through VC. This IA is filed by the applicants/P1 to P4 with the prayer to take on record the documents annexed with the application. The applicants are directed to file the English translation of the Malayalam documents attached with the application within two weeks serving copy on the opposite side. **List on 21.5.2021.**

**8 CA/7/KOB/2021 IN CP/08/KOB/2020**

Learned counsel for the applicant (R2) Shri Vinu Thomas as well as learned counsel for R1 to R4 Shri Yogindunath S appeared through VC. This CA is filed by the applicant/R2 with the prayer to take on record the documents annexed with the application. Allowed. The applicant is directed to serve full set of this CA to the learned counsel of R1 to R4 Shri Yogindunath S within a week. **CA/7/KOB/2021 IN CP/08/KOB/2020 stands disposed of accordingly. Registry is directed to properly index the additional documents.**

**9 IA/152/KOB/2020 IN CP/08/KOB/2020**

Learned counsel for the applicant (R2) Vinu Thomas as well as learned counsel for R1 to R4 Shri Gokul RI appeared through VC.

Vide order dated 26.02.2021 in IA/153/KOB/2020 M/s. P.N.Krishnan Mani & Company, Chartered Accountants and Shri Ajith Kumar A, CMA were appointed by this Tribunal to conduct the independent audit and cost audit of the Company respectively. But registry reported that the aforesaid two audit reports have not yet been received. The Auditor is directed to produce the hard copy of both audit reports before this Tribunal within one week.

**List this IA along with the two audit reports on 21.05.2021.**

**10 CP/08/KOB/2020**

Learned counsel for the applicants Shri Yongindunath S as well as learned counsel for R2 & R3 Shri Vinu Thomas appeared through VC.

Shri Yongindunath submitted that the two auditors appointed by this Tribunal vide order dated 26.02.2021 in IA/153/KOB/2020 have completed their works and submitted the reports directly to this Tribunal through email. But registry reported that they have not yet received any such reports. Therefore **M/s. P.N.Krishan Mani & Co., Chartered Accountants, TC 28/1839 TENRA 24 Line Road (PTC)**

**Thycaud, Trivandrum 695 014 (Firm Regn No.001472S) and CMA Ajith Kumar A, FCMA, Membership No. 31011, (email id: ajiththycaud@ yahoo.com)** are directed to submit the hard copy of their reports to this Tribunal within a week positively. They are also directed to send a copy of their report to the learned counsel of both the parties within a week.

**List on 21.05.2021 for final hearing.** Before that date, both the parties are directed to submit their written submissions in brief (limiting 5/6 pages).

Registry is directed to issue copy of this order to the learned counsel of both the parties and also to the aforesaid two auditors through email.

#### 11 CP/23/KOB/2020

Since the request for link was received after 11.00 am, this matter was decided to take after the time already fixed for other matters. Both sides expressed willingness to appear through VC. But due to paucity of time adjourned to 20.05.2021.

#### 12 CP/46/KOB/2020

Learned PCS for the Petitioner Shri Zibi Jose appeared through VC. He submitted that in compliance of the order dated 25.11.2020, the petitioner has issued notice to MCA, RD, ROC on 28.11.2020 and to each creditors of the Company on 30.11.2020 and also made the paper publication in Indian Express (English) and Kerala Kaumudi (Malayalam) on 27.11.2020.

Since the above-mentioned statutory authorities have not yet made any reply till this date, it is presumed that they have no representations to make on the proposals.

According to the learned counsel of the Petitioner, no objection has been received from any corner against the paper publication.

Heard the learned PCS for the petitioner and perused the whole records. **Reserved for orders. List for pronouncement of orders on 27.04.2021.**

#### 13 CP/1/KOB/2021

Learned counsel for the petitioner Shri Sabu Joseph as well as learned counsel for the Respondents Shri Yogindunath S appeared through VC.

Shri Yongindunath sought time to file the counter. He may file the counter positively within two weeks. The petitioner may file rejoinder, if any, within one week from the date of receipt of copy of the counter.

**List on 20.05.2021 for hearing.**

14 CP/4/KOB/2021

Learned counsel for the Petitioner Shri Abid Millath as well as learned counsel for R1 to R4 Shri Harikumar G. Nair appeared through VC.

Shri Abid Millath submitted that he has not yet received the copy of the counter. On the other hand, Shri Harikumar G. Nair submitted that he has already sent copy of the counter to Shri Abid Millath. Anyhow, respondents are directed to provide hard copy of the counter to the learned counsel of the petitioner within a week. The Petitioner may file his rejoinder, if any, within a week from the date of receipt of the copy of counter.

**It is observed that the Registry is receiving the documents without serving copies to the other side. Registry is directed to make sure that the other side is served before accepting the documents into record.**

**List on 24.05.2021 for hearing.**

15 IA/151/KOB/2020 IN TCP/45/KOB/2019

Learned counsel for the applicant Shri Shameem Ahamed as well as learned counsel for R1, R3 & R5 Shri S.Easwar and learned counsel for R7 Shri Harikumar G. Nair appeared through VC. Arguments of all parties have been heard and concluded. **Reserved for orders. List for pronouncement of orders 19.05.2021.**

16 TCP/45/KOB/2019

Learned counsel for the Petitioner Shri Shameem Ahamed as well as learned counsel for R1, R3 & R5 Shri S.Easwar and learned counsel for R7 Shri Harikumar G. Nair appeared through VC. Arguments of all parties have been heard and concluded. **Reserved for orders. List for pronouncement of orders 19.05.2021.**

17 IA/194/KOB/2020 IN IA/55/KOB/2019 IN TCP/20/KOB/2019

Learned counsel for the Applicant Shri A.M.Sridharan expressed willingness to appear through VC. But, learned senior counsel for R1 to R3 Shri Joseph Kodianthara sought an adjournment stating that he has to attend urgent matters at the Hon'ble High Court of Kerala today. **Hence adjourned to 17.5.2021 at 2.30 pm for hearing at 2.30 pm.**

18 TCP/20/KOB/2019

Learned counsel for the Petitioner Shri A.M.Sridharan expressed willingness to appear through VC. But, learned senior counsel for R1 to R3 Shri Joseph Kodianthara sought an adjournment stating that he has to attend urgent matters at the Hon'ble High Court of Kerala today. **Hence adjourned to 17.5.2021 at 2.30 pm for hearing at 2.30 pm.**