

NCLT, KOCHI**Daily Orders – Draft****In the Bench of: Shri Ashok Kumar Borah, Member (Judicial)****Date: 16th July 2020****1 CA/30/KOB/2020**

Learned PCS for the appellant appeared through VC. **Order pronounced. CA is disposed of vide separate order.**

2 CA/33/KOB2020

Learned PCS for the appellant appeared through VC. **Order pronounced. CA is disposed of vide separate order.**

3 MA/73/KOB/2020 IN TIBA10/KOB/2019 & TIBA/31/KOB/2019

Order issued vide separate sheets. MA/73/KOB/2020 is disposed of vide separate order.

4 MA/74/KOB/2020 IN TIBA10/KOB/2019 & TIBA/31/KOB/2019

The applicant in the MA Shri P.D.Vincent, Resolution Professional appeared in person in the VC. The RP has prayed to liquidate the Corporate Debtor in the manner mentioned in Chapter III of IBC 2016 and pass an order for appointment of an Insolvency Professional as liquidator of the Corporate Debtor replacing the Resolution Professional under Section 34(5) of the IBC 2016. On perusal of the records, this Bench observed that in the 6th meeting of the Committee of Creditors of Kerala Housing Finance Ltd held on 16.6.2020 the CoC has accorded to withdraw the CIR Process initiated against the Corporate Debtor, Kerala Housing Finance Ltd. In the said Resolution the RP was authorised to submit necessary withdrawal application/petition/reports before the NCLT, Kochi Bench with deviation of obtaining Form-FA and Bank Guarantee.

But the RP submitted that the above Resolution of the CoC dated 16.6.2020 was defeated in the e-voting. However, no record resulting to the e-voting has been produced by the RP. The RP is directed to convene another CoC meeting and submit the final resolution of the CoC with an affidavit before this Tribunal before the next date fixed. List on 17.8.2020.

5 TCP/45/KOB/19

Learned counsel for the petitioner Shri Cyriac Tom appeared through VC. Learned counsel for R7 Shri Harikmar and learned counsel for R1, R3 and R5 Shri S. Easwar have also appeared in the VC. Learned counsel for R7 submitted that the case filed by R7 connected to this case before the Sub Court, Calicut has been

dismissed and the appeal filed by the opposite side in the Appellate Court has also been dismissed. R7 is directed to produce the dismissal order of the Sub Court as well as Appellate Court before the next date fixed.

I have perused the Memo filed on 25.2.2020 by the Petitioner producing the amend cause title of this case. Memo is allowed. Registry is directed to make necessary corrections accordingly in the Cause Title. List on 18.8.2020

6 CP/08/KOB/2020

Shri Vinu Thomas, learned counsel for R2 and R3 appeared in the VC. None has appeared for the petitioners. Shri Vinu Thomas submitted that he wants to file a sur-rejoinder to the rejoinder filed by the petitioner. However, R2 and R3 are residing in UAE. Therefore, he is finding it difficult to get their signature to file the same and hence sought an adjournment. It appears from records that notice has not been duly served to R1. The petitioner is directed to serve notice to R1 and submit proof of service with an affidavit before this Tribunal before the next date fixed. Registry is also directed to issue notice to R1 through email in addition to normal procedure. List on 24.8.2020.

7 CA/13/KOB/2020

Learned counsel for the petitioner requested for an adjournment through email for the reason that he received the financial statements to be filed before this Tribunal only on 15.7.2020. List on 22.7.2020 before that date the appellant is directed to file the documents ordered by this Tribunal.

8 CA/32/KOB/2020

Heard the averments made by the learned counsel for the appellant Shri R.Krishna Kumar. Report of ROC is on record. **Reserved for orders.** List for pronouncement of orders on 17.7.2020.