

NCLT, KOCHI**Daily Orders – Draft****In the Bench of: Shri Ashok Kumar Borah, Member (Judicial)****Date: 23rd July 2020****1 CA/13/KOB/2020**

Order pronounced. CA is disposed of vide separate sheets.

2 REPORT NO.63/KOB/2020 IN IBA/45/KOB/2019

Learned RP Shri Sankar P. Panicker appeared through VC. He submitted that the CoC has decided to go for liquidation in this case. Report of RP is taken on record. Registry is directed to place it on proper records.

3 REPORT NO.64/KOB/2020 & REPORT NO.69/KOB/2020 IN IBA/55/KOB/2019

Learned IRP Shri Sankar P. Panicker appeared through VC. He submitted that the promotor of the CD has filed a Writ Petition against the order of this Tribunal and the Hon'ble High Court of Kerala in the said Writ Petition has stayed the proceedings of this Tribunal till 9th August 2020. Report No.64 of the IRP is taken on record.

Report No.69 submitted by the IRP regarding the resolution passed in the 1st meeting of the Committee of Creditors of Sanchesz Healthcare Private Ltd to appoint Shri Sankar P. Panicker, IRP as RP for the balance period of the CIR Process for a fees of Rs.1,00,000/- is accepted.

4 REPORT NO. 68/KOB/KOB/2020 IN CP/505/(IB)/CB/2017

Learned Liquidator Shri Sankar P. Panicker appeared through VC. His Report No.68 (9th Progress Report) is taken on record. He also submitted that he will be submitting his 10th Progress Report within 2 days.

5 MA/75/KOB/2020 INTIBA/31/KOB/2019 & TIBA/10/KOB/2019

Learned PCS for the RP Shri Nikhil George Pinto appeared through VC. Shri Akhil Suresh, Advocate appeared for R1 through VC. He submitted that he will be submitting the Vakkalath for R4 also. RP is directed to serve copy of this MA to the respondents 2, 3, 5 & 6, if not already done, and file proof of service with an affidavit before the next date fixed. All the respondents are directed to file their counter, if any, within 3 weeks from today. List the matter for hearing on 17.8.2020.

6 IA/68/KOB/2020 IN CP/96/KOB/2019

Learned PCS for the applicant in the IA Shri P.P.Zibi Jose appeared through VC. This IA is filed for rectification of the order of this Tribunal dated 5.3.2020. Learned PCS for the respondent in the IA Shri Abhilash Nediyaalil Abraham, who appeared in the VC, submitted that he has already filed the counter in the IA. Learned PCS for the applicant sought an adjournment to file his rejoinder in the matter. Allowed. The applicant is directed to file his rejoinder within two weeks from today. List for final hearing on 12.8.2020. There shall be no further adjournment in this case.

7 IA/69/KOB/2020 IN CP/97/KOB/2019

Learned PCS for the applicant in the IA Shri P.P.Zibi Jose appeared through VC. This IA is filed for rectification of the order of this Tribunal dated 5.3.2020. Learned PCS for the respondent in the IA Shri Abhilash Nediyaalil Abraham, who appeared in the VC, submitted that he has already filed the counter in the IA. Learned PCS for the applicant sought an adjournment to file his rejoinder in the matter. Allowed. The applicant is directed to file his rejoinder within two weeks from today. List for final hearing on 12.8.2020. There shall be no further adjournment in this case.

8 IA/70/KOB/2020 IN CA/37/KOB/2019

Learned PCS for the applicant in the IA Shri P.P.Zibi Jose appeared through VC. This IA is filed for rectification of the order of this Tribunal dated 5.3.2020. Learned PCS for the respondent in the IA Shri Abhilash Nediyaalil Abraham, who appeared in the VC, submitted that he has already filed the counter in the IA. Learned PCS for the applicant sought an adjournment to file his rejoinder in the matter. Allowed. The applicant is directed to file his rejoinder within two weeks from today. List for final hearing on 12.8.2020. There shall be no further adjournment in this case.

9 IA/71/KOB/2020 IN CP/95/KOB/2019

Learned PCS for the applicant in the IA Shri P.P.Zibi Jose appeared through VC. This IA is filed for rectification of the order of this Tribunal dated 5.3.2020. Learned PCS for the respondent in the IA Shri Abhilash Nediyaalil Abraham, who appeared in the VC, submitted that he has already filed the counter in the IA. Learned PCS for the applicant sought an adjournment to file his rejoinder in the matter. Allowed. The applicant is directed to file his rejoinder within two weeks from today. List for final hearing on 12.8.2020. There shall be no further adjournment in this case.

10 IA/72/KOB/2020 IN CP/94/KOB/2019

Learned PCS for the applicant in the IA Shri P.P.Zibi Jose appeared through VC. This IA is filed for rectification of the order of this Tribunal dated 5.3.2020. Learned PCS for the respondent in the IA Shri Abhilash Nediyaalil Abraham, who appeared in the VC, submitted that he has already filed the counter in the IA. Learned PCS for the applicant sought an adjournment to file his rejoinder in the matter. Allowed. The applicant is directed to file his rejoinder within two weeks from today. List for final hearing on 12.8.2020. There shall be no further adjournment in this case.

11 IA/73/KOB/2020 IN CA/35/KOB/2019

Learned PCS for the applicant in the IA Shri P.P.Zibi Jose appeared through VC. This IA is filed for rectification of the order of this Tribunal dated 5.3.2020. Learned PCS for the respondent in the IA Shri Abhilash Nediyaalil Abraham, who appeared in the VC, submitted that he has already filed the counter in the IA. Learned PCS for the applicant sought an adjournment to file his rejoinder in the matter. Allowed. The applicant is directed to file his rejoinder within two weeks from today. List for final hearing on 12.8.2020. There shall be no further adjournment in this case.

12 IA/74/KOB/2020 IN CA/34/KOB/2019

Learned PCS for the applicant in the IA Shri P.P.Zibi Jose appeared through VC. This IA is filed for rectification of the order of this Tribunal dated 5.3.2020. Learned PCS for the respondent in the IA Shri Abhilash Nediyaalil Abraham, who appeared in the VC, submitted that he has already filed the counter in the IA. Learned PCS for the applicant sought an adjournment to file his rejoinder in the matter. Allowed. The applicant is directed to file his rejoinder within two weeks from today. List for final hearing on 12.8.2020. There shall be no further adjournment in this case.

13 IA/75/KOB/2020 IN CP/93/KOB/2019

Learned PCS for the applicant in the IA Shri P.P.Zibi Jose appeared through VC. This IA is filed for rectification of the order of this Tribunal dated 5.3.2020. Learned PCS for the respondent in the IA Shri Abhilash Nediyaalil Abraham, who appeared in the VC, submitted that he has already filed the counter in the IA. Learned PCS for the applicant sought an adjournment to file his rejoinder in the matter. Allowed. The applicant is directed to file his rejoinder within two weeks from today. List for final hearing on 12.8.2020. There shall be no further adjournment in this case.

14 CP/127/KOB/19 WITH IA/79/KOB/2020

Learned PCS for the Petitioners Shri Bijoy P. Pulipra appeared through VC. This IA is filed to amend the Interim Prayers of the CP. Learned PCS for the petitioners submitted that copy of the IA has already been served to the respondents. The Respondents are directed to file their objections or reply, if any, within two weeks from today.

Learned counsel for R1 to R3 in the CP appeared through VC and submitted that R1 to R3 have filed two IAs. But registry reported that the IAs are defective. Learned counsel for R1 to R3 submitted that he will rectify the defects today itself. He also sought two weeks time to submit his counter in the main CP.

List the CP along with the IAs on 18.8.2020.

15 IA/76/KOB/2020 IN CP/127/KOB/2019

Learned PCS for the applicant in the IA Shri P.P. Zibi Jose appeared in the VC. This IA is filed by R5 with the prayer to remove the name of Respondent No.5 in the Company Petition No. CP/127/KOB/2019. Learned PCS for the Petitioner in the CP Shri Bijoy P. Pulipra vehemently opposed the prayers made in the IA. Heard. Orders in the IA/76/KOB/2020 passed vide separate sheets.

16 CP/3(KOB)/2020

No response from the petitioners. Learned counsel for R1 & R3 as well as R2 expressed their willingness to argue the matter through VC. List on 27.8.2020.

17 TCAA/4&5/KOB/19

Learned counsel for the appellants Shri Pranoy Harilal appeared in the VC. This case is posted today for the report of RoC. RoC vide his memo dated 22.7.2020 submitted that Regional Director being the competent authority, vide email dated 20.7.2020 has stated that there is an Enforcement Workshop with the Secretary, Ministry of Corporate Affairs, New Delhi through Video Conference and they need careful consideration in the matter and hence sought two weeks time for filing the report. Heard the learned counsel for the appellants and also perused the memo filed by ROC. The prayer of the RoC is allowed. RoC is directed to file his report before the next date fixed positively. List for hearing on 21.8.2020.