

NCLT, KOCHI**Daily Orders – Draft**

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

Date: 28th July 2020

1 CA/29/KOB/2020

Order pronounced. CA is disposed of vide separate order.

2 IBA/25/KOB/2020

Learned counsel for the Financial Creditor Shri Leo George appeared through VC. Learned counsel for the Corporate Debtor Shri Jithin Saji Issac appeared through VC and sought three weeks time to file the counter stating that the MD of the CD is based at Calicut, where the area is declared under Covid 19 containment zone. The CD is directed to file his counter within 3 weeks from today serving a copy to the FC. The FC is also directed to file his rejoinder, if any, before the next date fixed. List on 24.8.2020.

3 IBA/26/KOB/2020

Learned counsel for the Operational Creditor Shri Reji George appeared through VC. I have heard him and perused the records. Registry is directed to issue notice to the CD through email in addition to normal procedure. The OC is also directed to issue notice to the CD and submit the proof of service along with an affidavit before the next date positively. List on 24.8.2020.

4 IBA/21/KOB/2020

Learned counsel for the Operational Creditor submitted an email stating his willingness to argue the matter through VC. Learned counsel for the Corporate

Debtor submitted an email seeking two weeks further time to file the counter as his client is residing in containment zone and he could not reach the office of the counsel to hand over necessary documents. List on 24.8.2020 before that date the CD is directed to file his counter, if any.

5 IBA/22/KOB/2020

Learned counsel Shri Cimil C. Kottalil appeared through VC for the Operational Creditor M/s. Ambani Vitrified Pvt Ltd. It appears from records that the OC was directed several times to submit the exact present address of the CD. I find that the notice issued by the Registry to the CD by Registered post is returned stating that "addressee left". It is the duty of the OC to furnish the exact address of the CD while submitting the IB Application. Therefore, OC is again directed to furnish the exact address of the CD, if he wants to proceed the case against the CD. Otherwise law will take its own course. OC is again directed to issue notice to the CD and submit proof of service along with an affidavit before the next date fixed. Registry is directed to send a copy of this order to the Operational Creditor. List on 26.8.2020.

6 IBA/23/KOB/2020

Learned counsel Shri Cimil C. Kottalil appeared through VC for the Operational Creditor M/s. Airson Ceramic Industries. It appears from records that the OC was directed several times to submit the exact present address of the CD. We find that the notice issued by the Registry to the CD by Registered post is returned stating that "addressee left". It is the duty of the OC to furnish the exact address of the CD while submitting the IB Application. Therefore, OC is again directed to furnish the exact address of the CD, if he wants to proceed the case against the CD. Otherwise law will take its own course. OC is again directed to issue notice to the CD and submit proof of service along with an affidavit before the next date fixed. Registry is directed to send a copy of this order to the Operational Creditor. List on 26.8.2020.

7 CP/18/KOB/2020

Learned counsel for the petitioner Ms. Deepthi George appeared through VC. It appears from records that the petitioner has filed two IAs, ie. (1) application seeking waiver of the condition under Section 244 of the Companies Act, 2013 and permit the applicants to file the petition under Section 241 of the Companies Act and (2) Petition to condone the delay in re-presenting the petition. Registry reported that these IAs are defective due to non-submission of application fee and notarisation of the IAs. The petitioner is directed to rectify the defects of the IAs immediately. The Company Petition will be taken up for consideration only after condoning the delay in re-presentation of the CP. List on 24.8.2020.

8 CP/06/KOB/2020

Learned counsel for the petitioner submitted an email stating his willingness to argue the matter through VC. However, learned ROC filed an interim report stating that he has forwarded the report to the Regional Director, Chennai and reply to that is awaited. Hence, he sought four weeks time to file his report. List on 28.8.2020.

9 CA/36/KOB/2020

Learned counsel for the appellant Shri Muhammed Hashim appeared through VC. The appellant has submitted that the appellant company is an ongoing concern. On perusal of the records it is noticed that though the petitioner has shown in the index of the appeal that the financial statements for the year 2018-19 has been filed along with the appeal, it is seen that the appellant has furnished only the Income Tax return, but the financial statements of the company for the Financial Year 2018-19 have not been filed. The appellant is directed to file the Financial Statements of the Company for the financial year 2018-19 along with the GST return before the next date fixed. List on 5.8.2020.