

***NCLT, KOCHI*****Daily Orders – Draft**

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

**Date: 29th July 2020**

**1 CA/35/KOB/2020**

Order pronounced. CA is disposed of vide separate order.

**2 IA/80/KOB/2019 IN IBA/46/KOB/2019**

Learned counsel for the applicant in IA sought an adjournment through email. No response from the respondents. List on 20.8.2020.

**3 IBA/46/KOB/2019**

No response from the Counsel for the FC. Learned counsel for the CD sought an adjournment through email. List on 20.8.2020.

**4 CP/19/KOB/2020**

Learned counsel for the Petitioner Nos 2 & 3 Shri Santhosh Mathew as well as learned counsel for R2 and R3 Shri B.K.Gopalakrishnan appeared through VC. R2 & R3 have filed objections/counter to the CP. Meanwhile registry reported that the Vakalat filed for R2 & R3 was found defective due to non-filing of the required advocate stamp. Learned counsel for R2 & R3 submitted that he will rectify the defect today itself.

I have heard the learned counsel of both the parties regarding the Interim Reliefs sought in the CP. **Orders on Interim Reliefs passed separately.**

It is noted that notice has not been issued to R1 Company (Forbes Ewart & Figgis Pvt Ltd) and R4 (RoC). Therefore, the petitioner is directed to issue notice to R1 and R4 and submit proof of service with an affidavit before the next date fixed. Registry is also directed to issue notice to R1 and R4 through email in addition to normal procedure. List on 28.8.2020.

**5 CP/04/KOB/2020**

Learned PCS for the petitioner Shri Bijoy P. Pulipra as well as learned counsel for R1 to R3 Ms Manjulla Devi appeared through VC. It appears that the hard copy of counter filed by R4 and R5 have been received by the Registry. But the hard copy of counter from R1 to R3 has not yet been received. R1 to R3 is directed to file their hard copy of counter before the next date fixed. List on 26.8.2020.

**6 CA/31/KOB/2020**

Learned counsel for the appellant Shri Cyriac Tom appeared through VC. This CA is related to CA/34/KOB/2020. Hence, list on 20.8.2020 along with CA/34/KOB/2020.

**7 CA/34/KOB/2020**

Learned counsel for the appellant Shri Cyriac Tom appeared through VC. Vide our order dated 20.7.2020 the appellant was directed to produce the document Nos 1 to 5 as mentioned in Annexure 8 of the Appeal. In spite of the aforesaid order, the appellant has filed a memo attaching some other documents as Annexure A15 to A21. It appears that the documents sought vide our above order has not been filed along with the memo. The appellant through his memo stated that the appellant is pursuing the matter with the concerned authorities. Regarding the Explosives License, the appellant submitted that he is required to obtain a No Objection Certificate from the District Magistrate. Accordingly, the appellant has filed the request for issuing the NoC from the District Magistrate.

The appellant is directed to submit the documents sought by this Tribunal vide order dated 20.7.2020 before the next fixed. List on 20.8.2020.

**8 CA(CAA)/19/KOB/2019 WITH REPORT NO.73/KOB/2020, REPORT NO.74/KOB/2020, REPORT NO.75/KOB/2020, & REPORT NO. 76/KOB/2020**

Learned PCS for the applicant Shri Gokul RI appeared through VC. The Chairman appointed by this Tribunal Shri P.D.Vincent is also present in the VC. The Report of the Chairman dated 20.7.2020 is taken on record. Vide our order dated 14<sup>th</sup> July 2020 the Official Liquidator was permitted to engage the services of the Chartered Accountant for taking up the scrutiny of the books of accounts, statutory registers and other relevant records and papers relating to the transferor company viz: Cochin Surfactants Pvt Ltd. But the report of the Chartered Accountant has not yet been received. The Official Liquidator is directed to obtain the report of the Chartered Accountant and file the same before this Tribunal before the next date fixed. Meanwhile the learned counsel for the applicant prayed three weeks time to submit the second motion of the applicant company. Allowed. The Registry is directed to communicate this order to the Official Liquidator through email in addition to normal procedure. Allowed. List on 28.8.2020.

**9 CA(CAA)/20/KOB/2019 WITH REPORT NO.73/KOB/2020, REPORT NO.74/KOB/2020,  
REPORT NO.75/KOB/2020, REPORT NO. 76/KOB/2020**

Learned PCS for the applicant Shri Gokul RI appeared through VC. The Chairman appointed by this Tribunal Shri P.D.Vincent is also present in the VC. The Report of the Chairman dated 20.7.2020 is taken on record. Vide our order dated 14<sup>th</sup> July 2020 the Official Liquidator was permitted to engage the services of the Chartered Accountant for taking up the scrutiny of the books of accounts, statutory registers and other relevant records and papers relating to the transferor company viz: Cochin Surfactants Pvt Ltd. But the report of the Chartered Accountant has not yet been received. The Official Liquidator is directed to obtain the report of the Chartered Accountant and file the same before this Tribunal before the next date fixed. Meanwhile the learned counsel for the applicant prayed three weeks time to submit the second motion of the applicant company. Allowed. The Registry is directed to communicate this order to the Official Liquidator through email in addition to normal procedure. List on 28.8.2020.