

***NCLT, KOCHI*****Daily Orders – Draft****In the Bench of: Shri Ashok Kumar Borah, Member (Judicial)****Date: 8th July 2020****1 IA/82/KOB/2020 IN TIBA/19/KOB/2019**

No response from the applicant in the IA. Learned counsel for the CD expressed his willingness to appear through VC. Adjourned to 30.7.2020.

**2 IBA/01(KOB)/2020**

No response from the Financial Creditor. Learned counsel for R1 to R3 sought an adjournment through email stating that the area where his office is situated is declared as Containment Zone and closed all roads leading to his office. No response from R4. The FC is directed to file rejoinder, if any, in reply to the Counter of R2 to R4. List on 13.8.2020.

**3 IBA/18/KOB/2020**

Learned counsel for the Operational Creditor expressed his willingness to appear through VC. The Manager (Finance) of CD and also learned counsel for CD also intimated their willingness to appear through VC. However, due to some technical problems, link could not be provided. Adjourned to 15.7.2020.

**4 TCP/120/KOB/19 (CP/41/2018)**

Learned counsel for the petitioner sought an adjournment through email. Learned counsel for the respondents expressed his willingness to appear through VC. Adjourned to 14.8.2020.

**5 CP/123/KOB/19**

No response from the petitioners. Learned counsel for R2 & R3 expressed his willingness to appear through VC. Even though notice was served on R1, no steps taken by him to appear before this Tribunal. **Hence R1 is hereby set exparte.** Adjourned to 14.8.2020.

**6 CP/16/KOB/2020**

Heard the arguments of the learned counsel for the petitioner Shri Sukumar Ninan Oommen, learned counsel for R1 Shri Philip Mathew / Shri Shameem Ahmed, learned counsel for R3, R6, R7 and R8 Shri Thomas Geevarghese through VC.

It appears from records that R1 is represented by two counsels, viz: Shri Philip Mathew and Shri Shameem Ahmed. Both the counsels claim that they represent R1 as Managing Director of the Company. It is seen that reply filed on behalf of R1 through the learned counsel Shri Shameem Ahmed is signed by the petitioner Shri Mookada Moosa Mujeeb Rahiman himself in this case.

Learned counsel for R3, R6, R7 & R8 Shri Thomas Geevarghese submitted in the VC that he has already prepared the counter to the CP. However, since the premises of the above respondents are declared under Covid 19 containment zone, he is unable to get the signatures of the respondents and hence sought two weeks time to submit the counter to the CP.

Shri Philip Mathew, learned counsel for R1 submitted in the VC that the petitioner has committed serious offence by playing the dual role of filing the company petition as petitioner and filing the reply as R1. He sought two weeks time to file the detailed counter in the CP.

Learned counsel for the petitioner Shri Sukumar Ninan Oommen submitted in the VC that even though the respondents were given more than 3 weeks to file counter, they are delaying the proceedings of this Tribunal by seeking another two weeks time to file their counter. Accordingly, he prayed to pass at least interim relief sought in the petition at this time.

Shri Jomy George, learned counsel for R2 submitted through email that he will file vakkalath for R4, R5 and R9 also. It also appears from records that notice was duly served to R12. But none has appeared on behalf of them. **Hence R12 is hereby set exparte.**

This Tribunal, after hearing both sides, on 8.6.2020 directed the respondents to maintain status quo as on 8.6.2020 with regard to the Management of the affairs of the R1 company until further orders. In view of the submissions of both parties today through VC, I hereby direct that the Respondents shall not divert any funds of the R1 Company without the permission of this Tribunal.

All the respondents including R10 ROC are directed to file their counter within two weeks from today serving a copy to the petitioner and the petitioner is directed to file his rejoinder, if any, before the next date fixed. List on 31.7.2020.

**7 CA/29/KOB/2020**

Learned PCS for the appellant Shri Bijumon Antony appeared through VC. Issue notice to ROC to file his report. The petitioner is directed to pursue the matter with the ROC. List on 27.7.2020.