

NCLT, KOCHI BENCH

Daily Orders – Draft

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

Date: 10th Nov 2020

1 IBA/36/KOB/2020

Learned Liquidator Shri PD Vincent appeared through VC. **Orders pronounced. IBA/36/KOB/2020 is allowed vide separate sheets.**

2 REPORT NO.110/KOB/2020 IN IBA/51/KOB/2019

Learned RP Shri Raju Palanikunnathil Kesavan appeared through VC. Report of the RP is accepted and taken on record. Registry is directed to place it on appropriate record.

3 MA/169/KOB/2020 IN IBA/52/KOB/2019

Learned counsel for the RP Shri Vinod PV appeared through VC. Learned counsel for the Corporate Debtor Shri Shivasankar R. Panicker also appeared through VC and stated that his name is not appeared in the cause list. Registry may do the needful. This is an application filed by RP for extension of CIRP period. Heard both the parties. **Orders pronounced. MA/169/KOB/2020 is disposed of vide separate order.**

4 IA/178/KOB/2020 IN CP/35/KOB/2020

Learned counsel for the applicant Shri Pratap Pillai appeared through VC. This IA is filed by the applicant for advancement of the hearing of CP/35/KOB/2020. It appears from records that the reliefs (b) to (j) sought in the IA are also reflected the main CP. Therefore, without perusing the counter it is not justified to pass any order on these interim reliefs. The learned counsel for the applicant submitted that the respondents are now under judicial custody. However, he submitted that he has made arrangements with the Welfare Officer of the Jail authorities for arrangement of hearing of the respondents in this CP through Video Conferencing. The investors' money is now blocked due to the involvement of the respondents in the criminal case. As such, according to the learned counsel for the applicants, if the case is not advanced and a decision is not taken without delay, the petitioners will be put to irreparable financial loss. Heard the arguments of the learned counsel for the

applicant and perused the records. **The IA be listed for hearing on 24.11.2020. The applicant is directed to make arrangements for the hearing of the respondents through Video Conferencing on 24.11.2020, as agreed to by him.** Registry is also directed to issue copy of this order to the learned counsel for the applicant through email to enable him to make arrangements for the VC of the respondents at the next date of hearing. **List on 24.11.2020.**

5 IA/124/KOB/2020 IN IBA/16/KOB/2020

Learned RP Shri Jasin Jose as well as learned counsel for the Operational Creditor Shri John V Mani appeared through VC. The RP submitted that the fee fixed by this Tribunal after negotiation for Rs.90,000/- has not yet been paid and form FA signed by the parties. According to the learned counsel for the OC, the fee of the RP is required to be shared by both the parties. Anyway, FA has not yet been filed in this case. The RP is directed to file the FA before the next date fixed. The OC and CD are also directed to cooperate with the RP for filing the FA and they are also directed to share the fee of the RP equally and pay the fee to RP before the next date fixed, failing which law will take its own course. This Bench is of the view that the RP cannot be suffered in the tussle between the OC and CD. **List on 16.12.2020.**

6 IA/125/KOB/2020 IN IBA/16/KOB/2020

Learned RP Shri Jasin Jose as well as learned counsel for the Operational Creditor Shri John Mani appeared through VC. The RP submitted that the fee fixed by this Tribunal after negotiation for Rs.90,000/- has not yet been paid and the FA has not been submitted. According to the learned counsel for the OC, the fee of the RP is required to be shared by both the parties. Anyway, FA has not yet been filed in this case. The RP is directed to file the FA before the next date fixed. The OC and CD are also directed to cooperate with the RP for filing the FA without fail and also to share the fee of the RP equally and pay the fee to RP before the next date fixed, failing which law will take its own course. This Bench is of the view that the RP cannot be suffered in the tussle between the OC and CD. **List on 16.12.2020.**

7 MA/109/KOB/2020 IN CA/26/KOB/2020

Learned counsel for the applicant Shri Philip Mathew appeared through VC. Pleadings are complete. Heard the arguments advanced by the learned counsel for the applicant. **Reserved for orders. List for pronouncement of orders on 25.11.2020.**

8 IA/157/KOB/2020 IN CA/43/KOB/2020

Learned counsel for the applicant Shri P.T.Joy appeared through VC. This application is filed by the applicant for direction to defreeze the Bank Accounts of the Appellant Company. Heard. **IA/157/KOB/2020 in CA/43/KOB/2020 is disposed of vide separate order.** Registry is directed to issue copy of the detailed order to the Branch Manager, Federal Bank Ltd., Chendrappinni Branch, Thrissur through email for defreezing the Account No.14630200000824 .

9 CA/69/KOB/2020

Learned counsel for the Appellant Shri Shameem Ahmed appeared through VC. Report of ROC is on record. **Reserved for orders. List for pronouncement of orders on 23.11.2020.**

10 CA/70/KOB/2020

No response from the Appellants. Report of ROC is on record. List on **12.11.2020** for hearing.

11 CA/79/KOB/2020

Learned counsel for the Appellant Smt. Lakshmi Krishnadas appeared through VC. Heard. Report of ROC is on record. **Reserved for orders. List for pronouncement of orders on 13.11.2020.**

12 CP/22/KOB/2020

Learned counsel for the Petitioner Shri Aswin Gopakumar submitted an email seeking an adjournment to enable him to file rejoinder. Learned counsel for R2 Shri Gokul RI submitted an email stating their willingness to appear through VC. No response from R3 and R4. **Adjourned to 22.1.2021 for final hearing.**

13 IA/106/KOB/2020 IN CP/19/KOB/2020

Learned counsel for the Applicants Shri BK Gopalakrishnan as well as learned counsel for R1 to R3 Shri Santhosh Mathew appeared through VC. Arguments of both sides partly heard. **List for further hearing on 24.11.2020 2.30 pm.**

14 **IA/132/KOB/2020 IN CP/19/KOB/2020**

Learned counsel for the Applicants Shri BK Gopalakrishnan as well as learned counsel for R1 to R3 Shri Santhosh Mathew appeared through VC. Arguments of both sides partly heard. **List for further hearing on 24.11.2020 2.30 pm.**

15 **CP/19/KOB/2020**

Learned counsel for the Petitioners Shri Santhosh Mathew as well as learned counsel for R2 to R3 Shri BK Gopalakrishnan appeared through VC. Arguments of both sides partly heard. **List for further hearing on 24.11.2020 2.30 pm.**

16 **IA/97/KOB/2020 IN CP/117/KOB/2019**

Learned counsel for the applicant Shri BK Gopalakrishnan as well as learned counsel for R2 to R5 Shri Santhosh Mathew appeared through VC. Arguments of both sides concluded. **List on 24.11.2020 along with CP/19/KOB/2020.**

17 **IA/133/KOB/2020 IN CP/117/KOB/2019**

Learned counsel for the Applicant Shri BK Gopalakrishnan as well as learned counsel for R1 to R3 Shri Santhosh Mathew appeared through VC. Arguments of both sides concluded. **List on 24.11.2020 along with CP/19/KOB/2020.**

18 **IA/172/KOB/2020 IN CP/117/KOB/2019**

Learned counsel for the Applicant Shri BK Gopalakrishnan as well as learned counsel for R2 to R5 Shri Santhosh Mathew appeared through VC. Shri BK Gopalakrishnan stated that he will cure the defects noted by this Bench during last hearing within a day or two. Thereafter the learned counsel for R2 to 5 shall file counter, if any. **Orders reserved. List for pronouncement of orders on 24.11.2020.**

19 **CP/117/KOB/2019**

Learned counsel for the petitioner Shri BK Gopalakrishnan as well as learned counsel for R2 to R5 Shri Santhosh Mathew appeared through VC. Arguments of both sides concluded. **List on 24.11.2020 along with CP/19/KOB/2020.**