

NCLT, KOCHI BENCHDaily **Orders** – Draft

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

Date: 16th Nov 2020**1 CA/90/KOB/2020**

Learned PCS for the Appellant Shri Vinu Thomas appeared through VC. Orders pronounced. **CA/90/KOB/2020 is disposed of vide separate order.**

2 REPORT NO.112/KOB/2020 IN IBA/01/KOB/2020

Learned IRP Shri Raju Palanilkunnathil Kesavan appeared through VC. I have perused the report filed by the IRP. **The report is accepted and taken on record. Registry is directed to place the report at the appropriate file.**

3 REPORT NO.115/KOB/2020 IN IBA/35/KOB/2019

Learned IRP Shri Sathiq Buhari appeared through VC. I have perused the report filed by the IRP. **The report is accepted and taken on record. Registry is directed to place the report at the appropriate file.**

4 REPORT NO.116/KOB/2020 IN IBA/35/KOB/2019

Learned IRP Shri Sathiq Buhari appeared through VC. I have perused the report filed by the IRP. **The report is accepted and taken on record. Registry is directed to place the report at the appropriate file.**

5 IA/79/KOB/2020 IN CP/127/KOB/2019

Learned PCS for the Applicants Shri Bijoy P. Pulipra appeared through VC. Learned counsel for R1 to R3 Ms.Aanchal Nichani also appeared through VC. It appears from record that the prayers sought in the IA are also reflected in the Main CP. Besides, vide order dated 31.12.2019, this Tribunal passed an interim order directing to maintain status quo as on 31.12.2019 until further orders. Therefore, it is better not to insist orders on this IA at this stage. Learned counsel for the respondents 1 to 3 submitted that they shall file the counter in the CP within two weeks. The Respondents 1 to 3 are directed to file the counter within two weeks positively with copy served to the learned PCS for the petitioners, who may file rejoinder, if any, well before the next date fixed. It is stated by other respondents that they have already filed counter. **List on 21.1.2021 with the CP.**

6 IA/92/KOB/2020 IN CP/127/KOB/2020

Learned counsel for the applicants Ms Aanchal Nichani submitted that her senior will argue the matter and hence sought an adjournment. Meanwhile learned PCS for the respondents

1 & 2 in this IA Shri Bijoy P. Pulipra submitted that this is only a delaying tactics adopted by the Respondents 1 to 3 in the CP.

Anyway, this Tribunal adjourns the matter as a last chance. In default of submission of arguments in the next date fixed, the IA will be disposed of on the basis of available materials on record. Both the parties are directed to co-operate for the early disposal of this case as the matter is pending for a long time. Registry is directed to issue a copy of this order to both the parties through email. List on **3.12.2020** for hearing in the IA.

7 CP/127/KOB/2019

Learned PCS for the Petitioner Shri Bijoy P. Pulipra as well as learned counsel for R1 to R3 Ms Aanchal Nichani appeared through VC. Respondents 1 to 3 are directed to file their counter within two weeks with copy served to the learned PCS for the Petitioners, who may file rejoinder, if any within the next date fixed. Other respondents stated that they have already filed counter. Please bear in mind that there shall be no further adjournment in this case. Since the matter is pending for a long for the reply of the Respondents 1 to 3, If no reply is filed within the time stipulated, it is made clear that the *right of Respondents 1 to 3 shall stand struck off* and the matter will be decided on the basis of available records. List on **21.1.2021 for hearing**

8 IBA/26/KOB/2020

Learned counsel for the Operational Creditor as well as Learned counsel for the Corporate Debtor appeared through VC. Learned counsel for the CD submitted that he is filing the counter today itself. He may do so. The OC may file his rejoinder, if any, within one week. Next date fixed for hearing. It is expected that both the parties will co-operate for early disposal of this IBC matter. List on **1.12.2020 for hearing.**

9 CA/72/KOB/2020

Learned counsel for the Appellant Shri Arun Krishna Nadh appeared through VC. Report of ROC is on record. It appears from records that the Appellant has not submitted the copy of IT return along with the appeal. The Appellant is therefore directed to submit the copy of IT return of the Appellant Company within two weeks positively. **Orders reserved. List for pronouncement of orders on 7.12.2020.**

10 CA/85/KOB/2020

Learned counsel for the Appellant Shri Jacob Mathew Manalil appeared through VC. Report of ROC is on record. **Reserved for orders. List for pronouncement of orders on 8.12.2020.**

11 CA/86/KOB/2020

Learned counsel for the Appellant Shri Arun Kamalobhan through VC. He submitted that the appellant is also praying for reactivating the DIN number. However, he has not made such a relief in the CA. The Appellant is directed to file an affidavit with a prayer for reactivation of the DIN within two weeks. In default, order will be passed as per the procedure of law.

Report of ROC is on record. **Reserved for orders. List for pronouncement of orders on 9.12.2020.**

12 CA/87/KOOB/2020

Learned counsel for the Appellant Shri Nikhil George Pinto appeared through VC. Report of ROC is on record. **Reserved for orders. List for pronouncement of orders on 10.12.2020.**

13 CA/88/KOB/2020

Learned counsel for the Appellant Ms Lakshmi Krishnadas appeared through VC. Report of ROC is on record. **Reserved for orders. List for pronouncement of orders on 11.12.2020.**

14 CP(CAA)/05/KOB/2020 WITH CA(CAA)/02/KOB/2020 & CA(CAA)/03/KOB/2020

Learned counsel for the Applicant Shri Mohan Pulickkal appeared through VC. As directed by this Tribunal vide order dated 30.9.2020, the Applicant Companies have made the paper publication in Business Line (English) and Janmabhoomi (Malayalam) on 14th October 2020.

Registry reported that none has raised any objection against the Amalgamation between the Transferor Company and Transferee Company even after the publication.

When the matter was taken up for hearing, the learned counsel for the petitioner stated that he has filed an IA along with the CP. Now the Registry has numbered the IA as IA/192/KOB/2020. The prayer in the IA is to enlarge the time granted under Rule 15 of the Rules, 2016 for presenting the above Company Petition. The reason stated is that due to the present travel restrictions imposed by the Central and State Governments under the COVID-19 pandemic the applicants' signatory Director who is an octogenarian, was not able to venture out to call their auditors and lawyer to arrange for the various documents and for preparation of the company petition within the time prescribed. Hence there occurred a short delay in presenting the CP. I have gone through the averments in the IA. The reason stated for enlarging the time for filing the CP is satisfactory. Hence IA No. 192/KOB/2020 is allowed and the time is enlarged.

Heard the arguments. **Reserved for orders. List for pronouncement of orders on 15.12.2020.**

15 CP/122/KOB/2019

This case is posted today for hearing. In view of the constitution of the Special Bench for NCLT, Bengaluru Bench with this Bench, with effect from 1.10.2020, the case stands adjourned to **17.11.2020.**