

NCLT, KOCHI BENCH

Daily Orders – Draft

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

Date: 17TH Nov 2020

1 CP/41/KOB/2020

Learned PCS for the Petitioner Shri PP Zibi Jose appeared through VC. Shareholder No.2 Smt. Sulochana Gupta and Shareholder No.4 Shri Mahesh Kumar Gupta have filed their Vakalat through Shri Sukumar Oommen, Advocate. But he has not participated in the VC. Registry is directed to issue notice to all respondents except Shareholder/coparceners of RBG HUF 2 and 4 mentioned above through email. The Petitioner is also directed to issue notice to all the remaining respondents through email and Registered Post with A/D and submit proof of service with an affidavit before the next date fixed.

Along with the final relief sought in the CP, the petitioner has also sought the following interim reliefs:

- (a) Approve the valuation of the immovable properties of the Company – RBG Enterprises Private Limited – as done by the Committee of three persons as per the MOU dated 15.09.2016;
- (b) Appoint a Valuator for valuation of the shares of the remaining companies as on 31.12.2016;
- (c) Direct the Petitioner to submit a Scheme for payment/contribution as the case may be based on the valuations for approval of this Tribunal;
- (d) All the pending cases as per Annexure A10 may be kept pending till final disposal of this Company Petition; and
- (e) Any other orders as this Tribunal deems fit.

It appears to me on thorough perusal of the case records and hearing of the learned PCS for the petitioner that it will not be justified to pass orders on any of the interim reliefs sought by the petitioner without hearing the Respondents. Hence, Respondents are directed to file their counter before the next date fixed.

List on 4.12.2020 for hearing.

2 REPORT NO.117/KOB/2020 IN MA/05/KOB/2020 IN TIBA/01/KOB/2019

Learned Liquidator Shri Shawn Jeff Christopher appeared through VC. **Report of the Liquidator is accepted and taken on record. Registry is directed to place the report at the appropriate file.**

3 REPORT NO.118/KOB/2020 IN MA/05/KOB/2020 IN TIBA/01/KOB/2019

Learned Liquidator Shri Shawn Jeff Christopher appeared through VC. **Report of the Liquidator is accepted and taken on record. Registry is directed to place the report at the appropriate file.**

4 MA/172/KOB/2020 IN CA/46/KOB/2020

Learned PCS for the Applicant Shri Abhilash Nediyaal Abraham appeared through VC. This MA is filed under Section 424(3) of the Companies Act, 2013 read with Rule 11 of the NCLT Rules, 2016 with the prayer to give direction to ROC to reactivate the DIN number of the Directors of the Appellant Company. Vide our order dated 29.09.2020 the ROC was directed to restore the original status of the Appellant Company as if the name of the Company has not been struck off from the Register of Companies and take all consequential actions like change of Company's status from 'Strike off' to Active (for e-filing), to restore and activate the DINs if applicable, to intimate the bankers about restoration of the name of the Company so as to defreeze its accounts. The learned PCS for the Applicant submitted that DIN has not yet been reactivated by ROC till date, even though he sent two mails on that account.

Registry is directed to issue notice to ROC through special messenger for his reply. The applicant is also directed to issue notice to ROC along with a copy of this MA. ROC is directed to file his reply before the next date fixed.

List on 02.12.2020.

5 MA/177/KOB/2020 IN TIBA/11/KOB/2019

Learned counsel for the Applicant Smt. Merin Thaliath submitted an email seeking an adjournment to enable her senior to argue this matter. Learned RP Shri Bijoy Prabhakaran Pulipra submitted an email stating his willingness to appear through VC. Adjourned to **19.11.2020**.

6 MA/178/KOB/2020 IN IBA/08/KOB/2020

Learned RP Shri Vinod PV appeared through VC. This is an application filed under Section 60(5) of the IBC 2016 read with Regulation 40(c) of IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 for excluding the lock down period from the CIRP Period. Heard the RP and perused the records. **MA/178/KOB/2020 in IBA/08/KOB/2020 is disposed of vide separate sheets.**

7 **MA/179/KOB/2020 IN IBA/49/KOB/2019**

Learned counsel for the RP Shri Vinod PV appeared through VC. This is an application filed under Section 60(5) of the IBC 2016 read with Regulation 40(c) of IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 for excluding the lock down period from the CIRP Period. Heard the RP and perused the records. **MA/179/KOB/2020 in IBA/49/KOB/2019 is disposed of vide separate sheets.**

8 **MA/180/KOB/2020 IN IBA/51/KOB/2019**

Learned counsel for the RP Shri Vinod PV appeared through VC. This is an application filed under Section 60(5) of the IBC 2016 read with Regulation 40(c) of IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 for excluding the lock down period from the CIRP Period. Heard the RP and perused the records. **MA/180/KOB/2020 in IBA/51/KOB/2019 is disposed of vide separate sheets.**

9 **CA/80/KOB/2020**

Learned PCS for the Appellant Shri Sandeep Jayachandran appeared through VC. Report of ROC is on records. Heard and perused the records. Reserved for orders. List for pronouncement of orders on 7.12.2020.

10 **CA/81/KOB/2020**

Learned PCS for the Appellant Shri Fayiz Mohammed Kassim appeared through VC. Report of ROC is on record. Heard and perused the records. **Reserved for orders. List for pronouncement of orders on 8.12.2020.**

11 **CA/91/KOB/2020**

Learned Counsel for the Appellant Shri Krishnakumar G appeared through VC. Report of ROC is on record. **Heard and perused the records. Reserved for orders. List for pronouncement of orders on 9.12.2020.**

12 **CA/92/KOB/2020**

Learned Counsel for the Appellant Shri Krishnakumar G appeared through VC. Report of ROC is on record. Heard and perused the records. **Reserved for orders. List for pronouncement of orders on 10.12.2020.**

13 CP/122/KOB/2019

Learned counsel for the Petitioner Shri P.K. Suresh Kumar appeared through VC. Learned senior counsel for R1 Shri Joseph Kodianthara as well as learned PCS for R2 Shri PP Zibi Jose also appeared through VC. Learned counsel for the petitioner argued the matter. Learned counsel for R1 and R2 sought some time for their arguments. **List on 1.12.2020 for further hearing as part heard.**

**14 CONTEMPT PETITION (KOB)/01/2020 IN
IA/74/KOB/2019 IN TCP/34/KOB/2019**

Learned counsel for both parties except R5 and R6 appeared through VC. List on **1.12.2020 along with the CP/122/KOB/2019.**

**15 CONTEMPT PETITION(KOB)/02/2020 IN
IA/23/KOB/2019 IN TCP/34/KOB/2019**

Learned counsel for both parties except R5 and R6 appeared through VC. List on **1.12.2020 along with the CP/122/KOB/2019.**

16 IA/50/KOB/2019 IN TCP/34/KOB/2019

Learned counsel for both parties except R5 and R6 appeared through VC. List on **1.12.2020 along with the CP/122/KOB/2019.**

17 IA/66/KOB/2020 IN TCP/34/KOB/2019

Learned counsel for both parties except R5 and R6 appeared through VC. List on **1.12.2020 along with the CP/122/KOB/2019.**

18 IA/67/KOB/2020 IN TCP/34/KOB/2019

Learned counsel for both parties except R5 and R6 appeared through VC. List on **1.12.2020 along with the CP/122/KOB/2019.**

19 TCP/34/KOB/2019

Learned counsel for both parties except R5 and R6 appeared through VC. List on **1.12.2020 along with the CP/122/KOB/2019.**

**20 TIA/131/KOB/2020 (CA/228/CHENNAI BENCH) IN
TCP/53/KOB/2019 (CP/33/2017/CHENNAI BENCH)**

Learned counsel for petitioner and respondents 1&2 appeared through VC. No response from R3. List on **1.12.2020 along with the CP/122/KOB/2019.**

21 TCP/53/KOB/2019 (CP/33/17)

No response from the learned PCS for the petitioner. Learned counsel for R1&3 as also learned counsel for R2 appeared through VC. **List on 1.12.2020 alongwith CP/122/KOB/2019.**

22 IA/96/KOB/2020 IN CP/04/KOB/2020

Learned counsel for the applicant/petitioner Shri Bijoy Pulipra argued the matter. Shri Ravichandran, Sr.PCS for R 1 to 3 as also Shri Sankar P Panicker for R 4&5 appeared through VC. Applicant's arguments concluded. List for arguments of the respondents on **9.12.2020 at 2.30 pm**

23 CP/04/KOB/2020

Learned counsel for the Petitioner Shri Bijoy Pulipra argued the matter. Shri Ravichandran, Sr.PCS for R 1 to 3 as also Shri Sankar P Panicker for R 4&5 appeared through VC. Petitioner's arguments concluded. List for arguments of the respondents on **9.12.2020 at 2.30 p.m**