

## ***NCLT, KOCHI BENCH***

### **Daily Orders – Draft**

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

Date: 25<sup>th</sup> Nov 2020

#### **1 MA/109/KOB/2020 IN CA/26/KOB/2020**

Learned counsel for the Applicant Shri Philip Mathew appeared through VC. Orders pronounced. **MA/109/KOB/2020 IN CA/26/KOB/2020 is disposed of vide separate order.**

#### **2 CP/46/KOB/2020**

Learned PCS for the petitioner Shri PP Zibi Jose appeared through VC. This is a petition filed under Section 66 of the Companies Act, 2013 for reduction of share capital in the Applicant Company. I have heard and perused the records. The Petitioner is directed to comply the following as laid down under Rule 3 of the NCLT (Procedure for Reduction of Share Capital of Company) Rules, 2016:

- (i) Issue notice to the Central Government, RoC (Kerala) and RD (Chennai).
- (ii) Make paper publication in Indian Express (English) and Kerala Kaumudi (Malayalam) within 7 days.
- (iii) Issue notice to each Creditors of the Company within 7 days seeking their representations and objections and intimating about the date of hearing of this petition.
- (iv) The proof of serving notice on the ROC and RD as also proof of publication in newspapers shall be produced before this Bench.

**List on 8.3.2021 for hearing.**

#### **3 CA/97/KOB/2020**

Learned PCS for the Appellant Shri Sandeepkumar S appeared through VC. This is an Appeal filed by the Appellant for restoring the name of the Appellant Company in the Register of ROC. The documents submitted by the Appellant in his Appeal include the following:

- (i) Master Data
- (ii) Memorandum of Association and Articles of Association
- (iii) Latest Income Tax Return acknowledgement
- (iv) Latest Financial Statements

Registry is directed to issue notice to ROC through special messenger for his report.  
**List on 8.12.2020.**

**4 MA/184/KOB/2020 IN IA/129/KOB/2020 IN TIBA/07/KOB/2019**

Learned Liquidator Shri Jasin Jose appeared through VC. Shri S Easwaran, Advocate also appeared through VC for the suspended Director of CD Shri V.K.Abdul Rahim. Heard both sides. Advocate Easwaran sought time to file the counter to the MA. Allowed. The respondent is directed to file his counter within a week. **List on 10.12.2020 for hearing.**

**5 MA/171/KOB/2020 IN MA/96/KOB/2020 IN IBA/44/KOB/2019**

Learned counsel for the Applicant M/s. Prasant Kumar and N.R.Krishna Unni appeared through VC. Heard and perused the records. **Orders reserved. List for pronouncement of orders on 15.12.2020.**

**6 IBA/27/KOB/2020**

No response from the learned counsel for the operational creditor. Learned counsel for the Corporate Debtor Adv Sri Nath V submitted an email stating that his senior Advocate K.R.Vinod had tested positive for Covid 19 and the other associates including him had tested positive. Hence, they could not function their office in full-fledged manner or meet their clients. Hence a request is made for three days time to file the counter of the Corporate Debtor. In view of the request made and for the reasons mentioned above, three days further time is granted to file the counter, failing which it would be presumed that the Corporate Debtor has no reply to file. If reply is filed, operational creditor may file rejoinder, if any, well before the next date fixed. **Adjourned to 15.12.2020. No further adjournment will be granted.**

**7 TCP/50/KOB/2019**

Learned counsel for the Petitioner Shri Ramalingam and learned counsel for R1 Smt. Sindhu Santhalingam appeared through VC.

The Bench observed that though the learned counsel for R1 submitted before this Tribunal on 2.7.2020 that she represents R2 also, she has not filed Vakalat till this date. Smt. Sindhu Santhalingam submitted today that she shall file the Vakalat for R2 within a short time. She may do so.

Learned counsel for the petitioner has filed an affidavit stating that notice was duly served to R5. Since R3 and R4 are residing in UK, the service of notice has been affected by way of email which has not been returned.

Since this is a long pending case from 2016 both the parties are directed to co-operate for early disposal. Therefore, next date fixed for final hearing. Both the parties are directed to submit their argument brief before the next date fixed. **List on 1.2.2021 for final hearing.**

**8 TCP/116/KOB/19**

No response from the learned counsel for the petitioner. Learned counsel for R1 and R2 appeared through VC. Adjourned. **List on 1.2.2021 along with TCP/50/KOB/2019.**

**9 CP/34/KOB/2020**

Learned counsel for the petitioner Shri S. Krishnamoorthy submitted an email stating willingness to appear through VC. No information from the Respondents. It is seen that the counter to the CP has not been filed till today. Respondents are given final opportunity to file their counter, within three weeks. If reply is filed, rejoinder, if any, may be filed well before the next date fixed. **Adjourned to 5.1.2021.**

**10 CA/93/KOB/2020**

Learned PCA for the Appellant Shri Paulose Paul appeared through VC. Report of ROC is on record. Heard the learned PCA for the Appellant and perused the records. **Orders reserved. List for pronouncement of orders on 16.12.2020.**