

NCLT, KOCHI BENCH

Daily Orders – Draft

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

Date: 26th Nov 2020

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

Learned counsel for the Applicant Shri Pratap Pillai appeared through VC. Orders pronounced. **IA/178/KOB/2020 IN CP/35/KOB/2020 is disposed of vide separate Order.**

2 CA/82/KOB/2020

Learned PCS for the Appellant Shri Fayiz Mohammed Kassim appeared through VC. Orders pronounced. **CA/82/KOB/2020 is disposed of vide separate order.**

3 IBA/24/KOB/2020

Learned counsel for the Operational Creditor Shri Thomas P. Kuruvilla appeared through VC. Orders pronounced. **IBA/24/KOB/2020 is Admitted and IRP appointed vide separate order.**

4 IA/187/KOB/2020 IN IBA/30/KOB/2020

Learned counsel for the Applicant/Operational Creditor Shri Akhil Suresh appeared through VC. **Orders pronounced. IA/187/KOB/2020 is disposed of vide separate order.**

5 IBA/30/KOB/2020

Learned counsel for the Applicant/OC Shri Akhil Suresh appeared through VC. M/s. Inkel Limited is impleaded as additional Corporate Debtor in the IBA. Registry is directed to issue notice to INKEL through email in addition to normal procedure. The Operational Creditor is directed to issue notice to the Additional Corporate Debtor (INKEL) by Registered Post with AD and submit proof of service with an affidavit before the next date fixed. The additional CD is directed to file his counter before the next date fixed. **List the IBA/30/KOB/2020 on 1.1.2021.**

6 CA(CAA)/04/KOB/2020

Learned counsel for the Applicant Shri PP Zibi Jose appeared through VC. Actually, this case is posted on 7.12.2020 for pronouncement of orders. But on thorough scrutiny it has been observed that the Transferor Company (Applicant No.2) is not under the jurisdiction of this Tribunal effective from 3.8.2019. Hence the case is listed today as "To be Spoken to". Today, after arguing the matter for some time, the learned PCS for the applicant prayed that he may be allowed to withdraw the Application with liberty to file Fresh Application. **Allowed. CA(CAA)/04/KOB/2020 is dismissed as withdrawn with liberty, vide separate sheets.**

7 TIBA/33/KOB/2020

Learned counsel for the IB Applicant Shri Nidhi Sam John appeared through VC. He submitted that he has filed the withdrawal memo on 9.11.2020 before the Registry. I have gone through the withdrawal memo. **TIBA/33/KOB/2020 is dismissed as withdrawn vide separate sheets.**

8 IA/143/KOB/2020 IN TIBA/19/KOB/2019

No response from the Resolution Professional. Adjourned to **1.1.2021**.

9 MA/148/KOB/2020 IN IBA/258/2019(CHENNAI BENCH)

Learned counsel for the Applicant Shri Sankalp Anantwar appeared through VC. Learned counsel for the Liquidator Shri Akhil Suresh is also appeared through VC and stated that he has filed a reply to the MA today. Registry to verify and place it on record, if it is in order. Heard both sides. **Orders reserved. List for pronouncement of orders in MA/148/KOB/2020 IN IBA/258/2019(CHENNAI BENCH) on 10.12.2020.**

10 IA/189/KOB/2020 IN MA/148/KOB/2020 IN IBA/258/2019(CHENNAI BENCH)

Learned counsel for the Applicant Shri Shivasankar R. Panicker appeared through VC. Learned counsel for the Respondent Shri Sankalp Anantwar also appeared through VC. It is stated that a reply to the IA has been filed, but the same is defective. Applicant may cure the defects and represent it immediately. Heard both sides. **Orders reserved. List for pronouncement of orders in IA/189/KOB/2020 IN MA/148/KOB/2020 IN IBA/258/2019(CHENNAI BENCH) on 10.12.2020.**

11 IBA/29/KOB/2020

Learned counsel for the IB Applicant Shri Vinod PV as well as learned PCS for CD Shri Yogindunath appeared through VC. This IBC case was filed on 5.6.2020 under Section 9 of IBC 2016. In the last date of hearing on 13.10.2020 it was ordered that there shall be no adjournment in this matter. But, today, the learned PCS sought an adjournment for 3 days stating that they are trying to settle the matter amicably. Since this is an IBC matter, I cannot prolong the case any further. However, since the parties are trying to settle the matter amicably, the request for 3 days adjournment is allowed. Next date fixed is for final hearing. Registry is directed to issue copy of this order to the learned counsel for both the parties through email. **List on 1.12.2020 for final hearing. No further adjournment will be granted.**

12 TCP/68/KOB/2019 (TCP/49/2016)

None has appeared for the petitioner. Learned PCS for R5 Shri Jayan K. appeared through VC. He submitted that the petitioner is dragging the case unnecessarily. It appears from records that after relinquishing the Vakalath of the petitioner by Shri Anil D Nair, the petitioner has neither engaged another lawyer nor appeared in person before this Tribunal. Without taking any steps, he always seeking adjournments through email. Vide order dated 25.11.2020 the petitioner was given the final opportunity to take steps to contest his case. Today also the petitioner has submitted an email seeking an adjournment for 4 weeks to engage an Advocate. This is a very old case pending from 2010. Even though I allow the prayer of the petitioner, **he may bear in mind that there shall be no further adjournment in this case. In default of taking steps by the petitioner to pursue the case, the law will take its own course.** Registry is directed to issue copy of this order to both the parties through email. **List on 28.12.2020 for hearing.**

13 CP/08/KOB/2020

Learned PCS for the Petitioners Mr. Yogindunath S appeared through VC. Learned PCS for R2 & R3 Shri Vinu Thomas also appeared through VC. Heard both sides partly. It is brought to my notice that two IAs 152/KOB/2020 and 153/KOB/2020 are also pending for consideration, but the same are not listed today. It is seen that pleadings are complete in that matters also. Hence those IAs will also taken up for hearing on the next date fixed. Petitioners filed written arguments. Respondents may file their written arguments before the next date fixed.

List on 18.12.2020 for further hearing as PART HEARD.

14 IA//80/KOB/2019 IN IBA/46/KOB/2019

Learned counsel for the respondents intimated their willingness to appear through VC. However, learned counsel for the applicant in the IS sought an adjournment due to the pandemic and the strike of the workers scheduled on 26.11.2020, they are unable to gather information and instructions. List for hearing on **14.2.2020 at 2.30 pm.**

15 IBA/46/KOB/2019

Learned counsel for the respondents intimated sought an adjournment due to the pandemic and the strike of the workers scheduled on 26.11.2020, they are unable to gather information and instructions. Learned counsel for the financial creditor intimated his willingness to appear through VC. List for hearing on **14.2.2020 at 2.30 pm. Since this is an IBA, no further adjournment will be granted.**