

NCLT, KOCHI BENCH

Daily Orders – Draft

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

Date: 27th Nov 2020

1 IA/90/KOB/2020 IN IBA/49/KOB/2019

Learned counsel for the Applicant Shri Mohan Pulickkal as well as learned counsel for the RP Shri Vinod PV appeared through VC. Orders pronounced. **IA/90/KOB/2020 IN IBA/49/KOB/2019 stands dismissed vide separate order.**

2 IA/99/KOB/2020 IN IA/66/KOB/2019 IN TCP/22/KOB/2019

Learned counsel for the applicant Shri Shivashankar R. Panicker as well as learned counsel for the NCLT appointed Chairman Shri Manuel Vivera, appeared through VC. Orders pronounced. **IA/99/KOB/2020 in IA/66/KOB/2019 in TCP/22/KOB/2019 is partly allowed vide separate order.**

3 IA/155/KOB/2020 IN CP/104/KOB/2019

Learned PCS for the Applicants Shri Srikanth Mohan appeared through VC. Learned counsel for R1, R2, R20 and R25 Shri Pranoy Harilal, learned PCS for R3 to R16, R18, R23 and R24 Shri Yoginthunath and learned PCS for R22 Shri Vivek Kumar appeared through VC. Orders pronounced. **IA/155/KOB/2020 IN CP/104/KOB/2019 is dismissed vide separate order.**

4 IA/154/KOB/2020 IN CP/112/KOB/2019

Learned PCS for the Applicants Shri Srikanth Mohan appeared through VC. Learned counsel for R1, R4 and R23 Shri Pranoy Harilal, learned PCS for R1, R2, R3, R5 to R13, R16, R17. R20 and R22 Shri Yoginthunath and learned PCS for R18 Shri Vivek Kumar appeared through VC. Orders pronounced. **IA/154/KOB/2020 IN CP/112/KOB/2019 is dismissed vide separate order.**

5 IA/156/KOB/2020 IN CP/113/KOB/2019

Learned PCS for the Applicants Shri Srikanth Mohan appeared through VC. Learned PCS for R2, R5 to R14, R16, R18 to R20, R23 & R26 Shri Yoginthunath and learned counsel for R1, R4, R15, R24 & R25 Shri Pranoy Harilal appeared through VC. Orders pronounced. **IA/156/KOB/2020 IN CP/113/KOB/2019 is dismissed vide separate order.**

6 CP/104/KOB/2019

Learned PCS for the Petitioners Shri Srikanth Mohan appeared through VC. Learned counsel for R1, R2, R20 and R25 Shri Pranoy Harilal, learned PCS for R3 to R16, R18, R23 and R24 Shri Yoginthnath and learned PCS for R22 Shri Vivek Kumar appeared through VC. No representation for other respondents. Pleadings are complete. **List on 3.2.2021 for final hearing**, before that date all the parties are directed to file their argument note.

7 CP/112/KOB/2019

Learned PCS for the Petitioners Shri Srikanth Mohan appeared through VC. Learned counsel for R1, R4 and R23 Shri Pranoy Harilal, learned PCS for R2, R3, R5 to R13, R16, R17, R20 and R22 Shri Yoginthnath and learned PCS for R18 Shri Vivek Kumar appeared through VC. No representation for other respondents. Pleadings are complete. **List on 3.2.2021 for final hearing**, before that date all the parties are directed to file their argument note.

8 CP/113/KOB/2019

Learned PCS for the Petitioners Shri Srikanth Mohan appeared through VC. Learned PCS for R2, R5 to R14, R16, R18 to R20, R23 & R26 Shri Yoginthnath and learned counsel for R1, R4, R15, R24 & R25 Shri Pranoy Harilal appeared through VC. No representation for other respondents. Pleadings are complete. **List on 3.2.2021 for final hearing**, before that date all the parties are directed to file their argument note.

9 MA/71/KOB/2020 IN IBA/38/KOB/2019

Learned counsel for the Applicant/RP Shri K.B.Arun Kumar appeared through VC. Learned counsel for R3 Shri Reji George and learned counsel for R4 Shri Pranoy Harilal also appeared through VC. Learned counsel for R4 Shri Pranoy Harilal submitted that the Order passed by this Tribunal in MA/25/KOB/2020 has been stayed by the Hon'ble NCLAT and the matter will be coming up for hearing before NCLAT on 18.1.2021. In MA/25/KOB/2020, this Tribunal directed R4 BPCL to invoke both the Bank Guarantees immediately provided by the parent company of the CD, ie. Albanna Engineering LLC, and to keep the proceeds in an interest-bearing Fixed Deposit with itself in the name and style of "BPCL – Account Albanna Engineering" until further orders.

Learned counsel for both the parties submitted that since the present MA/71/KOB/2020 is directly related to that order, it would be better to hear the matter only after pronouncement of final order by the NCLAT. Hence, **adjourned to 4.2.2021**.

10 **IA/176/KOB/2020 IN MA/05/KOB/2020 IN TIBA/01/KOB/2019**

Learned liquidator Shri Shawn Jeff Christopher appeared through VC. In this IA, the liquidator has sought the relief to issue appropriate directions for dealing with the claim of EPFO Department, under Sections 35(1)(n) & 60(5) of IBC, 2016 to discharge the duties of the Liquidator. I have heard the liquidator and thoroughly perused the IA. From the relief prayed for, it is not clear what type of direction is required to be issued to the EPFO Department. I am of the view that it would not be justified to issue any direction without perusing the reply from EPFO. Therefore, liquidator is directed to file an IA making EPFO as a party in this matter with advance copy served on them so as to get a reply from them before the next date fixed on the points raised by the Liquidator. **List on 14.12.2020.**

11 **IA/91/KOB/2020 IN CP/16/KOB/2020**

Learned counsel for the applicant Shri P.Thomas Geeverghese appeared through VC. Learned counsel for R1 Shri Sukumar Nainan Oommen and learned counsel for R2 Shri Philip Mathew also appeared through VC. Since it is decided to hear the I.A alongwith the main CP, this IA is **Adjourned to 11.1.2021.**

12 **IA/126/KOB/2020 IN CP/16/KOB/2020**

Learned counsel for the applicant Shri Philip Mathew as well as learned counsel for the respondent Shri Sukumar Nainan Oommen appeared through VC. Since it is decided to hear the I.A alongwith the main CP, this IA is **Adjourned to 11.1.2021.**

13 **IA/127/KOB/2020 IN CP/16/KOB/2020**

Learned counsel for the Applicant Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 and R11 Shri Philip Mathew, learned counsel for R2, R4, R5 and R9 Shri Jomy George and learned counsel for R3, R6, R7 & R8 Shri P.Thomas Geeverghese appeared through VC. Since it is decided to hear the I.A alongwith the main CP, this IA is **Adjourned to 11.1.2021.**

14 **IA/128/KOB/2020 IN CP/16/KOB/2020**

Learned counsel for the Applicant Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 and R11 Shri Philip Mathew, learned counsel for R2, R4, R5 and R9 Shri Jomy George and learned counsel for R3, R6, R7 & R8 Shri P.Thomas Geeverghese appeared through VC. Since it is decided to hear the I.A alongwith the main CP, this IA is **Adjourned to 11.1.2021.**

15 CONTEMPT PETITION/06/KOB/2020 IN CP/16/KOB/2020

Learned counsel for the Contempt Petitioners Shjri Philip Mathew and learned counsel for the respondent Shri Sukumar Nainan Oommen appeared through VC. Since it is decided to hear the contempt petition alongwith the main CP, this Contempt Petition is **Adjourned to 11.1.2021**.

16. CP/16/KOB/2020

Learned counsel for the Petitioner Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R11 Shri Philip Mathew, learned counsel for R2, R4, R5 and R9 Shri Jomy George, learned counsel for R3, R6, R7 & R8 Shri P.Thomas Geeverghese also appeared through VC. Learned counsel for R3, R6, R7 and R8 submitted that he has not received the copy of IA/127 and IA/128. On the other hand, learned counsel for the Petitioner submitted that copy of IAs were delivered to the respondents on 28.8.2020 and after that date there were two hearings. In those hearing also there was no issue raised by anyone regarding the non-receipt copy of IAs.

It is stated that the learned counsel for the petitioner has filed the argument note on 16.11.2020. Registry to verify and place it on record. R2, R3, R5, R6, R7, R8 and R9 have also filed their Argument Notes, which are on record. The learned counsel for R1 and R11 sought a weeks' time to file his argument note as the matters relevant to Contempt and forenseic issues are also to be included in the Argument notes. Allowed. He may file the Argument note within one week.

List the CP for final hearing on **11.1.2021 at 2.30 pm**. It is expected that both the parties will co-operate for early disposal of this case.

17. CA/77/KOB/2020

Learned counsel for the Appellant Shri A.K.Muhammed Hashim appeared through VC. Report of ROC is on record. **Heard and perused the records. Reserved for orders. List for pronouncement of orders on 4.12.2020.**

18. IBA/35/KOB/2020

Learned counsel for the Operational Creditor Shri Maninder Singh along with Mr. Sharad Joseph Kodianthara as well as learned counsel for the Corporate Debtor Shri Vinod PV appeared through VC. Learned counsel for the Operational Creditor submitted that the wife of the Director Shri Muraleedharan who passed away on 30.10.2020 contacted the operational creditor and informed her willingness to settle the matter out of court. However, the learned counsel for the Corporate Debtor stated that he has no information about this development, and he sought time to get instructions from his clients. Time granted. **List on 8.12.2020 at 2.30 pm**. Before that date both the parties may file settlement memo, if the matter is settled. List for filing settlement memo/hearing.