

NCLT, KOCHI BENCH

Daily Orders – Draft

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

Date: 3rd Nov 2020

1 MA/159/KOB/2020 IN MA/07/KOB/2019 IN IBA/258/2019/CHENNAI BENCH

Learned counsel for the Liquidator Shri Akhil Suresh appeared through VC. Orders pronounced. **MA/159/KOB/2020 is disposed of vide separate order.**

2 CA(CAA)/17/(KOB)/2019

Learned counsel for the Applicant Shri Pranoy Harilal appeared through VC. Order pronounced. **CA(CAA)/17/KOB/2019 is disposed of vide separate order.**

3 CA(CAA)/18/(KOB)/2019

Learned counsel for the Applicant Shri Pranoy Harilal appeared through VC. Order pronounced. **CA(CAA)/18/KOB/2019 is disposed of vide separate order.**

4 IA/177/KOB/2020 IN CP/08/KOB/2020

Learned PCS for the Applicant Shri Yogindunath S as well as learned counsel for R2 and R3 Shri Vinu Thomas appeared through VC.

Vide order dated 9th Oct 2010 this case is posted to 18.12.2020. This IA is filed by the applicant for advancement of the hearing. It appears from records that the Petitioners have already filed their written arguments. But the respondents have not yet filed their written arguments. Heard both the parties. **The hearing of the CP is advanced to 26.11.2020, before that date learned counsel for R2 & R3 may file his written arguments in this case. List on 26.11.2020.**

5 IBA/27/KOB/2020

Learned counsel for the Operational Creditor Shri Rony Jose appeared through VC. Even though notice was duly served to CD and during last posting Advocate Sri Nath V had submitted an email stating that he is appearing for the respondents in this case, records show that no Vakalat has been filed for the CD till date. Learned counsel for the OC submitted that Advocate Sri Sri Nath informed him that he is

unable to appear through VC today since he has been detected Covid 19 positive and hence requested him to seek an adjournment. Hence, learned counsel for OC sought an adjournment in view of the request of Adv Sri Nath. This request is allowed. **List on 25.11.2020**, before that date the CD is directed to file his counter and the vakalath for respondents. **Please bear in mind that there shall be no further adjournment in this case.**

6 IBA/28/KOB/2020

Learned counsel for the Operational Creditor Shri Nidhi Sam John as well as learned PCS for Corporate Debtor Shri Harikrishnan R. Nair appeared through VC. Both the counsel submitted that the dispute in this matter has already been settled. Hence, they sought an adjournment to enable them to file the settlement memo. Allowed. **List on 24.11.2020, before that date both parties may file their settlement memo.**

7 TCP/54/KOB/2019 (TCP/108/16)

Learned counsel for the petitioner Shri Mohan Pulickkal submitted an email stating that the case records consist of several volumes of pleadings, which renders the case unsuitable for disposal through VC. Hence, he requested to adjourn the matter to a later date convenient to this Tribunal for hearing in the court. Learned counsel for the Respondents Smt. S. Manjula Devi has also submitted an email stating the requirement of physical hearing in view of volume of documents and sought an adjournment. **Adjourned to 20.1.2021.**

8 TCP/120/KOB/2019 (CP/41/2018)

Learned counsel for the petitioner Shri Philip Mathew submitted an email seeking an adjournment stating that settlement in writing between the parties require one more week as only a partial amount of Rs.10 lakhs out of the total agreed sum of Rs.40 lakhs was received by the petitioner towards settlement by the concerned parties. Learned counsel for R1 and R2 Shri A.M.Sridharan also submitted an email stating that the parties are negotiating the matter and expecting to arrive at a settlement within a week. **Adjourned to 20.11.2020**

9 CP/31/KOB/2020

Learned counsel for the Petitioners Shri Akhil Suresh as well as learned senior counsel for R4 Shri Joseph Kodianthara appeared through VC. It is noted that even though counter has already been filed for R2 to R6, Vakalath is filed on behalf of R4 only. Learned senior counsel for R4 submitted that he will arrange to file vakalath

for other respondents also. This submission is record. He has further stated that R1 being the company, no appearance is necessary for it. Learned counsel for the petitioners sought an adjournment for filing the rejoinder. He may do so within 4 weeks. List for final hearing on **8.1.2021**.

10 **CA/74/KOB/2020**

Learned counsel for the Appellant Shri R.Krishnakumar appeared through VC. Report of RoC is on record. **Reserved for orders. List for pronouncement of orders on 9.11.2020.**

11 **IA/166/KOB/2020 IN MA/01(KOB)/2020 IN IBA/145/2019(CB)**

Learned counsel for the Applicant Ms Nidhi Jacob as well as learned counsel for the Respondent Shri Malick Nanavati appeared through VC. Learned counsel for the applicant submitted that as settlements talks are going on, the applicant in the IA is not pressing the IA at this stage. Since the applicant is not pressing the IA, **IA/166/KOB/2020 is dismissed as not pressed.**

12 **MA/01(KOB)/2020 IN IBA/145/2019(CB)**

Learned counsel for the Applicant Shri Malick Nanavati as well as learned counsel for the Respondent Ms Nidhi Jacob appeared through VC. Learned counsel for the applicant sought one month's time to report the settlement, as settlements talks are going on between the parties. This request is allowed. List on **15.12.2020 for hearing.**