

NCLT, KOCHI BENCH

Daily Orders – Draft

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

Date: 9th Nov 2020

1 CA/74/KOB/2020

Order pronounced. **CA/74/KOB/2020 is disposed of vide separate order.**

2 TCP/15/KOB/2020 (CP/39/2015/HIGH COURT OF KERALA)

Learned counsel for R1 Shri Pranoy Harilal submitted an email stating willingness to appear through VC. No response from the Petitioner. Adjourned to **1.12.2020**.

3 CA/90/KOB/2020

Learned counsel for the Appellant Shri Vinu Thomas appeared through VC. Report of ROC is on record. **Reserved for orders. List for pronouncement of orders on 16.11.2020.**

4 MA/171/KOB/2020 IN MA/96/KOB/2020 IN IBA/44/KOB/2019

Learned PCS for the Applicant Shri N.R.Krishnan Unni appeared through VC. This is an application filed by the Resolution Applicant under Section 30(6) of the IBC read with Rule 11 of the NCLT Rules praying for modification of the Order passed by this Tribunal on 29.9.2020. The Bench observed that there is no provision under Section 30(6) of IBC to amend the order passed by this Tribunal. The learned PCS then sought an adjournment to enable him to submit the relevant provision available to the Resolution Applicant to approach before this Tribunal seeking remedies. He may do so. **Adjourned to 25.11.2020.**

5 CONTEMPT PETITION/09/KOB/2020 IN CP/21/KOB/2020

Learned PCS for the Contempt Petitioner Shri Bijoy P. Pulipra appeared through VC. Learned counsel for R1 to R5, R7, R9 & R10 Shri V. Ajakumar and learned counsel for R6 Ms. Sabeela CB also appeared through VC. The Bench observed that the Contempt Petitioner has sought several reliefs along with the Contempt Petition. Learned counsel for the respondents sought time to file their counter against the

Contempt Petition. Allowed. Respondents are directed to file their counter within one week. **List on 31.12.2020 for hearing.**

6 MA/167/KOB/2020 IN TIBA/31/KOB/2019 & TIBA/10/KOB/2019

Learned RP Shri P.D.Vincent appeared through VC. This is an application filed by the RP under Section 60(5) of the IBC, 2016 read with Regulation 40C of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016 for exclusion of the period of lock down from the CIRP Period. Heard the learned RP. Orders passed. **MA/167/KOB/2020 is disposed of vide separate order.**

7 MA/168/KOB/2020 IN TIBA/31/KOB/2019 & TIBA/10/KOB/2019

Learned RP Shri P.D.Vincent appeared through VC. Learned counsel for R1 Shri Parameswaran Nair also appeared through VC.

This is an application filed by RP under Section 60(5) of IBC, 2016 for appropriate direction to the R1 (Committee of Creditors) for providing funds towards the CIRP costs and to co-operate with the Resolution Professional. The RP submitted that he is not in a position to exercise his duties under the CIRP as the R1 is taking contradictory decisions and is not making payments towards the CIRP Cost. The Applicants Mr. Vijayakumar J and others had provided only Rs.1,28,500/- against Rs.2,00,000/- directed by this Tribunal. According to the RP, the CIRP costs amounting to Rs.52,96,243/- is due for payment as on 1.9.2020 and no funds are available with RP for further proceedings.

The Authorized Representative for R1 (COC) submitted that the claim of the Applicant/RP has not been approved in the 7th meeting of the Committee of Creditors held on 10th August 2020 and that the CoC is not in a position to afford any payment. However, the RP may find out the resources from the assets of the Corporate Debtor, so that from that amount, his payment may be released. He submitted that he shall file a detailed counter on behalf of the CoC in this matter. He may do so. The Authorised representative of CoC may file counter within one week. **List on 19.11.2020.**

8 MA/75/KOB/2020 IN TIBA/31/KOB/2019 & TIBA/10/KOB/2019

Learned RP Shri P.D.Vincent appeared in the VC. Learned counsel for R1 and R2 Shri Akhil Suresh also appeared through VC. According to the learned counsel for R1 and R2, counter has already been filed for R2. In the case of R1, the counter attested by the Jailor has been received, as the R1 is in the jail, no affidavit could be obtained, which will be filed before this Tribunal. Learned counsel for R1 & R2 has also submitted that R3 has expired. This submission is recorded.

It appears from record that notice was duly served to R4 and R5 as evident from the postal track records. But none has appeared on their behalf.

Learned counsel for R6 submitted an email that the appeal No. CA(AT)No.691 of 2020 filed by SEBI before NCLAT against the order of this Tribunal is posted for hearing on 11.12.2020

Hence, adjourned to **17.12.2020**.

9 IA/63/KOB/2020 IN IBA/240/2019/CB

Learned counsel for the FC Shri Manoj Ramaswamy submitted an email stating his willingness to appear through VC. However, since the learned counsel for the applicants/interveners Shri S. Easwaran submitted an email seeking an adjournment, the case is **adjourned to 4.1.2021**.

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

Learned counsel for the Applicant M/s. Raktim Gogoi and Shri Shivashankar R. Panicker appeared through VC. Learned counsel for the Chairman appointed by this Tribunal Shri Manuel Vivera also appeared through VC. **Heard both sides. Orders reserved. List for pronouncement of orders on 27.11.2020.**

11 IA/100/KOB/2020 IN TCP/22/KOB/2019

Learned counsel for the Applicant M/s. Raktim Gogoi and Shri Shivashankar R. Panicker appeared through VC. Learned counsel for the Chairman appointed by this Tribunal Shri Manuel Vivera as also Ms.Telma Raju appearing on behalf of Shri Anil D Nair also appeared through VC. Adjourned to **6.1.2021**.

12 IA/150/KOB/2020 IN TCP/22/KOB/2019

Learned counsel for the R1, R10 & R11 M/s. Raktim Gogoi and Shri Shivashankar R. Panicker appeared through VC. Learned counsel for the Chairman appointed by this Tribunal Shri Manuel Vivera and Ms.Telma Raju appearing on behalf of Shri Anil D Nair also appeared through VC. Learned counsel for the R1,R10 and R11 sought time to file counter to the IA. **Adjourned to 6.1.2021.**

13 TCP/22/KOB/2019

Learned counsel for the Respondent M/s. Raktim Gogoi and Shri Shivashankar R. Panicker appeared through VC. Learned counsel for the Chairman appointed by this

Tribunal Shri Manuel Vivera and Ms.Telma Raju appearing on behalf of Shri Anil D Nair also appeared through VC. Adjourned to **6.1.2021**.

14 IA/55/KOB/2020 IN TCP/46/KOB/2019

No response from both the parties. Adjourned to **28.1.2021**.

15 TCP/46/KOB/2019

No response from both the parties. Adjourned to **28.1.2021**.

16 IA/179/KOB/2020 IN CP/11/KOB/2020

Learned counsel for the Applicant Shri Philip Mathew appeared through VC. This IA is filed by the applicant/petitioner under Rule 11 of the NCLT Rules, 2016 seeking direction to conduct the AGM of the R1 Company for the years 2018-2019 and 2019-2020 by a Chairman appointed by this Tribunal. The Respondents remain absent in all proceedings of this Company Petition despite paper publications carried out on 5.8.2020 as directed by this Tribunal. List on **14.12.2020** for final hearing.

17 CP/11/KOB/2020

Learned counsel for the Petitioner Shri Philip Mathew appeared through VC. The Respondents remain absent in all proceedings of this Company Petition despite paper publications carried out on 5.8.2020 as directed by this Tribunal. List on **14.12.2020 for final hearing**.

18 CP/33/KOB/2020

No response from both the parties. Adjourned to **3.12.2020**.

19 CA/77/KOB/2020

Learned counsel for the Appellant Shri Mohammed Hashim appeared through VC. Registry reported that ROC has informed them that they have not yet received the copy of the CA from the Appellant. The appellant is therefore directed to take steps to serve copy of CA/77/KOB/2020 to ROC immediately. ROC may submit his report in the matter before the next date fixed. **List on 27.11.2020**.

20 IA/186/KOB/2020 IN CP/114/KOB/2019

Learned counsel for the applicant Shri Sukumar Nainan Oommen appeared through VC. Learned counsel for R1 & R2 Shri P. Sanjay, Learned PCS for R3 Shri PP Zibi Jose and learned counsel for R4 Shri Sumit Agarwal also appeared through VC.

Heard both the parties. Orders passed. **IA/186/KOB/2020 is disposed of vide separate order.**

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

This case is posted today for hearing. In view of the constitution of the Special Bench for NCLT, Bengaluru Bench with this Bench, with effect from 1.10.2020, the case stands adjourned to **11.11.2020 at 2.30 PM.**

22 IBA/46/KOB/2019

This case is posted today for hearing. In view of the constitution of the Special Bench for NCLT, Bengaluru Bench with this Bench, with effect from 1.10.2020, the case stands adjourned to **11.11.2020 at 2.30 PM.**