

NCLT, KOCHI BENCH

Daily Orders – Draft

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

Date: 12th Oct 2020

1 CP/04/KOB/2020 WITH IA/96/KOB/2020

Learned PCS of the petitioners Shri Bijoy P. Pulipra as well as learned PCS for R1 to R3 Shri K.S.Ravi Chandran appeared through VC. Learned counsel for R4 & R5 Shri Sankar P. Panicker also appeared in the VC. The petitioner has submitted several additional documents in the rejoinder. Therefore, learned counsel for R1 to R3 prayed for time to file sur-rejoinder. Allowed. Learned counsel for R4 & R5 submitted that since no specific prayers have been made against R4 & R5, they may be removed from the party array in this CP. Learned PCS for the petitioner vehemently opposed the prayers made by R4 & R5 stating that Section 448 of the Companies Act is applicable against all the respondents. Partly heard the arguments made by the learned PCS for the petitioners. List on **2.11.2020 at 2.30 pm (as part heard)** for further hearing, before that date all the parties may file their written arguments.

2 CA/62/KOB/2020

Learned PCS for the Appellant Shri Gokul RI appeared through VC. Heard and perused the records. **CA/62/KOB/2020 is disposed of vide separate order.**

3 CP/36/KOB/2020

Learned Counsel for the petitioners Shri Ashok B. Shenoy appeared through VC. This is a petition submitted under Section 73(4) of the Companies Act 2013 filed by depositor for direction to repay the deposit not repaid despite demand. The Petitioner-Depositor had deposited with the R1 Company an amount of Rs.28,00,000/- as FD on 18.08.2019 with interest at 11% per annum either on maturity or premature withdrawal with date of maturity being 18.11.2020. Learned counsel for the petitioner submitted that the Petitioner-Depositor had submitted letter dated 21.8.2020 to the R1 Company tendering therewith the Original FD Receipt duly discharged, seeking for premature closure of the deposit and payment of the proceeds thereunder to the credit of her Account number with Union Bank of India, Alappuzha. In response to the above, R1 Company issued a letter dated 27.8.2020 to the Petitioner-Depositor returning the FD Receipt, not paying the amount payable thereunder, stating that their Bank Account with Federal Bank Ltd remain freezed centrally. Hence this petition. Learned counsel for the petitioner-Depositor submitted that the Company is liable to be directed to forthwith to make repayment of

the aforesaid Deposit with interest due thereon as is claimed by the Petitioner-Depositor.

I have heard and perused the records. Registry is directed to issue notice to the Respondent through email in addition to normal procedure. The petitioner is also directed to issue notice to the Respondent through Registered post with A/d and submit proof of service with an affidavit before the next date fixed for hearing. List on **11.12.2020**.

4 CA/74/KOB/2020

Learned counsel for the Appellants Shri R.Krishnakumar 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) Income Tax Return acknowledgement for 2016-2017 and 2019-2020
- (iv) Balance Sheets for the years 2017, 2018 & 2019
- (v) Bank Account statements for the period 1.4.2019 to 31.3.2020.

Registry is directed to issue notice to ROC through special messenger for his report. List on **03.11.2020**.

5 CA/75/KOB/2020

Learned counsel for the Appellant Shri Georgekutty Kurian appeared in the 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) Financial statements from 2013-14 to 2018-19
- (iv) Income Tax Return for the year 2019-20

Registry is directed to issue notice to ROC through special messenger for his report. List on **05.11.2020**.

6 MA/142/KOB/2020 IN TIBA/03/KOB/2019

Learned counsel for the Applicant in MA Shri Sandeep Gopalakrishnan as well as learned counsel for the Resolution Professional Shri Vinod PV appeared through VC. The prayer of the applicant in this MA is to direct the Resolution Professional to admit the claim of the applicant for Interest on Gratuity, accruing till the date of actual payment. Today the case is posted for the counter of the RP. The learned counsel for the RP today submitted that the RP has already accepted the claim of the applicant for interest on Gratuity. RP is permitted to file a statement to that effect.

The learned counsel for the applicant prayed to record the submission of the learned counsel for the RP and the amount of Gratuity and interest thereon so arrived may be included in the Information Memorandum before finalising the Resolution Plan. Accordingly, the submission of the learned counsel for the RP is recorded. List on **11.11.2020**

7 MA/152/KOB/2020 IN TIBA/03/KOB/2019

Learned counsel for the Applicant in MA Shri Sandeep Gopalakrishnan as well as learned counsel for the Resolution Professional Shri Vinod PV appeared through VC. The prayer of the applicant in this MA is to direct the Resolution Professional to admit the claim of the applicant for Gratuity and interest on Gratuity. The learned counsel for the RP today submitted that the RP has already accepted the claim of the applicant. RP is permitted to file a statement to that effect. The learned counsel for the applicant prayed to record the submission of the learned counsel for the RP and the amount of Gratuity and interest thereon so arrived may be included in the Information Memorandum before finalising the Resolution Plan. Accordingly, the submission of the learned counsel for the RP is recorded. List on **11.11.2020**

8 MA/153/KOB/2020 IN TIBA/03/KOB/2019

Learned counsel for the Applicant in MA Shri Sandeep Gopalakrishnan as well as learned counsel for the Resolution Professional Shri Vinod PV appeared through VC. The prayer of the applicant in this MA is to direct the Resolution Professional to admit the claim of the applicant for Gratuity and interest on Gratuity. The learned counsel for the RP today submitted that the RP has already accepted the claim of the applicant. RP is permitted to file a statement to that effect. The learned counsel for the applicant prayed to record the submission of the learned counsel for the RP and the amount of Gratuity and interest thereon so arrived may be included in the Information Memorandum before finalising the Resolution Plan. Accordingly, the submission of the learned counsel for the RP is recorded. List on **11.11.2020**

9 MA/154/KOB/2020 IN TIBA/03/KOB/2019

Learned counsel for the Applicant in MA Shri Sandeep Gopalakrishnan as well as learned counsel for the Resolution Professional Shri Vinod PV appeared through VC. The prayer of the applicant in this MA is to direct the Resolution Professional to admit the claim of the applicant for Gratuity and interest on Gratuity. The learned counsel for the RP today submitted that the RP has already accepted the claim of the applicant. RP is permitted to file a statement to that effect. The learned counsel for the applicant prayed to record the submission of the learned counsel for the RP and the amount of Gratuity and interest thereon so arrived may be included in the Information Memorandum before finalising the Resolution Plan. Accordingly, the submission of the learned counsel for the RP is recorded. List on **11.11.2020**

10 MA/155/KOB/2020 IN TIBA/03/KOB/2019

Learned counsel for the Applicant in MA Shri Sandeep Gopalakrishnan as well as learned counsel for the Resolution Professional Shri Vinod PV appeared through VC. The prayer of the applicant in this MA is to direct the Resolution Professional to admit the claim of the applicant for Gratuity and interest on Gratuity. The learned counsel for the RP today submitted that the RP has already accepted the claim of the applicant. RP is permitted to file a statement to that effect. The learned counsel for the applicant prayed to record the submission of the learned counsel for the RP and the amount of Gratuity and interest thereon so arrived may be included in the Information Memorandum before finalising the Resolution Plan. Accordingly, the submission of the learned counsel for the RP is recorded. List on **11.11.2020**

11 MA/156/KOB/2020 IN TIBA/03/KOB/2019

Learned counsel for the Applicant in MA Shri Sandeep Gopalakrishnan as well as learned counsel for the Resolution Professional Shri Vinod PV appeared through VC. The prayer of the applicant in this MA is to direct the Resolution Professional to admit the claim of the applicant for Gratuity and interest on Gratuity. The learned counsel for the RP today submitted that the RP has already accepted the claim of the applicant. RP is permitted to file a statement to that effect. The learned counsel for the applicant prayed to record the submission of the learned counsel for the RP and the amount of Gratuity and interest thereon so arrived may be included in the Information Memorandum before finalising the Resolution Plan. Accordingly, the submission of the learned counsel for the RP is recorded. List on **11.11.2020**

12 MA/157/KOB/2020 IN TIBA/03/KOB/2019

Learned counsel for the Applicant in MA Shri Sandeep Gopalakrishnan as well as learned counsel for the Resolution Professional Shri Vinod PV appeared through VC. The prayer of the applicant in this MA is to direct the Resolution Professional to admit the claim of the applicant for Gratuity and interest on Gratuity. The learned counsel for the RP today submitted that the RP has already accepted the claim of the applicant. RP is permitted to file a statement to that effect. The learned counsel for the applicant prayed to record the submission of the learned counsel for the RP and the amount of Gratuity and interest thereon so arrived may be included in the Information Memorandum before finalising the Resolution Plan. Accordingly, the submission of the learned counsel for the RP is recorded. List on **11.11.2020**

13 IBA/21/KOB/2020

Learned counsel for the IB Applicant Shri Sojan James submitted an email stating his willingness to appear through VC. But learned counsel for the Corporate Debtor Shri K.N. Somakumar sought an adjournment through email stating that he is under Covid 19 Quarantine. He also submitted that he will file the Written Arguments before the next date fixed. He may do so. Written argument notes of petitioner is on record. Next date fixed for hearing. List on **2.11.2020 immediately after the admission matters.**

14 TCP/50/KOB/2019

Learned counsel for the petitioners Shri Ramalingam submitted an email stating that during the shifting of the Office of Counsel for Petitioner from Ernakulam to Chennai, the files pertaining to Champion Care Homes Pvt Ltd were misplaced during transit and the same is being collated and reconstructed and hence could not serve the notice to R3 to R5 as directed by this Tribunal vide order dated 26.8.2020. The learned counsel for the petitioners further stated in the email that he shall send notice by this week and shall file an affidavit of proof of service well in advance before the next date of hearing and sought for an adjournment. He may do so positively before the next date fixed. Learned counsel for R1 Smt. Sindhu Santhaligam has also sought an adjournment through email. List on **25.11.2020**.

15 TCP/116/KOB/19

Both the parties sought an adjournment through email. List on **25.11.2020**.

16 CA/31/KOB/2020

Learned counsel for the Appellant Shri Shameem Ahmed appeared through VC. Heard and perused the records. **Orders reserved. List for pronouncement of orders on 5.11.2020.**

17 CA/34/KOB/2020

Learned counsel for the Appellant Shri Shameem Ahmed appeared through VC. Heard and perused the records. **Orders reserved. List for pronouncement of orders on 5.11.2020.**

18 CA/65/KOB/2020

No information from both the parties. Report of RoC has not yet received even though reminder was sent. Registry is directed to again remind ROC through special messenger for his report. ROC is directed to submit his report before the next date fixed positively. List on **6.11.2020**.

19 CA/67/KOB/2020

No information from both the parties. Report of RoC has not yet received even though reminder was sent. Registry is directed to again remind ROC through special messenger for his report. ROC is directed to submit his report before the next date fixed positively. List on **6.11.2020**.

20 TCA/68/KOB/2020

No information from both the parties. Report sought from ROC is not yet received. Registry is directed to remind ROC through special messenger for his report. ROC is directed to submit his report before the next date fixed positively. List on **6.11.2020**.