

NCLT, KOCHI BENCH

Daily Orders – Draft

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

Date: 13th Oct 2020

1 TCP/8/KOB/2019 WITH TIA/102/KOB/2020

Learned counsel for the applicant Shri V.A.Ramalingam as well as learned counsel for R2 to R4 Shri A.M.Sreedharan appeared through VC. TIA is allowed with the condition that the applicant/petitioner has to bear the costs of the forensic investigation. **Detailed order pronounced. TIA/102/KOB/2020 is disposed of vide separate order.**

2 TIA/103/KOB/2020 IN TCP/08/KOB/2019

Learned counsel for the applicant Shri V.A.Ramalingam as well as learned counsel for R2 to R4 Shri A.M.Sreedharan appeared through VC. This IA will be heard after obtaining the forensic investigation report from the Forensic Laboratory. **List on 5.1.2021**

3 TCP/8/KOB/2019

Learned counsel for the petitioner Shri V.A.Ramalingam as well as learned counsel for R2 to R4 Shri A.M.Sreedharan appeared through VC. This TCP/8/KOB/2019 will be heard after obtaining the forensic investigation report from the Forensic Laboratory. **List on 5.1.2021**

4 TCP/11/KOB/2019

Learned counsel for the petitioner Shri A.M.Sreedharan as well as learned counsel for the R2, R3 & R5 Shri V.A.Ramalingam appeared through VC. Both the parties submitted that this case is connected to TCP/8/KOB/2019. **Hence, list on 5.1.2021 along with the said TCP.**

5 IBA/36/KOB/2020

Learned Liquidator Shri P.D. Vincent as well as Shri Nikhil George Pinto appeared through VC. This is an application filed under Section 59 of IBC 2016 for dissolution of the Corporate Person M/s. Living Springs Private Limited (in voluntary liquidation).

Heard the Learned Liquidator as well as his learned counsel. **Reserved for orders. List for pronouncement of orders on 10.11.2020.** It is seen from the records that the notice submitted before the IBBI is not produced in the application. The learned Liquidator stated that he may be granted two day's time to produce the said notice intimating the Voluntary Liquidation under section 4 of Section 59 of IBC, 2016 in the Registry. This request is allowed.

6 CA/76/KOB/2020

Learned PCS for the Appellant Shri Sajay Poomarathil appeared through VC. Report of ROC is on record. Heard and perused the records. Bench observed that the Appellant has not produced the Income Tax return of the Appellant Company. Learned PCS for the Appellant submitted that he shall file the copy of income Tax return within a day or two. **Reserved for orders. List for pronouncement of orders on 16.10.2020,** before that date the Appellant may file the copy of IT Return.

7 CA/77/KOB/2020

Learned counsel for the Appellant Shri A.K.Muhammed Hashim 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 2015-16 to 2019-20.
- (v) ITR Acknowledgement for the years 2016-17 and 2019-20
- (vi) Bank statement for the year 2019-20

Registry is directed to issue notice to ROC through special messenger for his report. List on **09.11.2020.**

8 MA/149/KOB/2020 IN CA/35/KOB/2020

Learned counsel for the applicant in MA Shri Sherry Oommen appeared through VC. Heard and perused the records. **Reserved for orders. List for pronouncement of orders on 11.11.2020.**

9 MA/158/KOB/2020 IN CA/42/KOB/2020

Learned PCS for the applicant in MA Shri Abhilash Nediyaalil Abraham appeared through VC. This MA is filed under Section 424(3) of the Companies Act, 2013 read with Rule 11 of NCLT Rules 2016 with the prayer to direct the respondent ROC to reactivate the DIN Numbers of the directors of Applicant Company. Heard and perused the records. Registry is directed to issue notice to ROC through special

messenger to file a reply in the matter. List on **20.11.2020** before that date ROC may submit his reply.

10 MA/99/KOB/2020 IN IBA/48/KOB/2019

No response from both the parties. List on **23.11.2020**

11 IBA/29/KOB/2020

Learned counsel for the IB Applicant Shri Vinod PV as well as learned PCS for the Corporate Debtor Shri Gokul RI appeared through V C. It appears from records that in the last occasion the learned counsel for the CD submitted that he is not filing the counter as the parties are trying to settle the matter amicably. But no settlement memo has been filed till this date. CD is therefore directed to file his counter/written statement before the next date fixed positively. **List on 26.11.2020 for final hearing. Please bear in mind that there shall be no adjournment in this matter.**

12 IBA/34/KOB/2020

No response from the IB Applicant. Learned counsel for the CD Shri Sharad Joseph Kodianthara submitted an email stating willingness to appear through VC. Since there is no response from the applicant, adjourned to **1.12.2020**.

13 TCP/7/KOB/19

Learned counsel for R1 & R2 Shri Madhu N. Namboothiripad requested through email for hearing the case in open court as the pleadings and documents are voluminous and as such it may be difficult to argue the same through VC. Hence sought an adjournment to a date after a month, expecting that there will be some relaxation in the Covid 19 rules. Learned counsel for the petitioner Shri Karunakaran C.K. as well as learned counsel for R3 & R4 Advocate Keerthivas Giri have also agreed to the above request through email. Adjourned to **28.12.2020**.

14 IA/7(KOB)/2020 IN TCP/7/KOB/19

Both the parties requested through email for hearing the case in open court as the pleadings and documents are voluminous and as such it may be difficult to argue the same through VC. Hence sought an adjournment to a date after a month, expecting that there will be some relaxation in the Covid 19 rules. Adjourned to **28.12.2020**.

15 CP/18/KOB/2020

Learned counsel for the petitioner Ms Deepthi Susan George appeared through VC. She submitted that the notice issued to R3 has been returned. The petitioner is directed to issue notice again to R3 and produce the proof of service of notice on R3 before the next date fixed. Meanwhile Advocate Cyriac Tom submitted an email stating that he is proposing to put Vakalath for Respondents in this case. He may do. The Respondents are directed to file their counter before the next date fixed. List on **9.12.2020**.

16 CA/36/KOB/2020

Learned counsel for the Appellant Shri Muhammed Hashim AK appeared through VC. Report of ROC in this matter is on record. Heard and perused the records. **Reserved for orders. List for pronouncement of orders on 16.10.2020.**

17 CA/69/KOB/2020

Report of ROC has not yet received even though reminded as per orders of last hearing. Registry is directed to remind ROC through special messenger for his report. List on **10.11.2020**.

18 CA/70/KOB/2020

Learned counsel for the Appellant Shri Abhilash Nediyaalil Abraham appeared in the VC. Report of ROC has not yet received even though reminded as per orders of last hearing. Registry is directed to remind ROC through special messenger for his report. List on **10.11.2020**.

19 MA/140/KOB/2020 IN TIBA/11/KOB/2019 Connected with IBA/28/KOB/2019

Learned Government Pleader appearing for State Tax Officer as well as Learned RP appeared through VC. Arguments of both sides heard and concluded. **Reserved for orders. List for pronouncement of orders on 4.11.2020.**