

## ***NCLT, KOCHI BENCH***

### **Daily Orders – Draft**

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

**Date: 16<sup>th</sup> Oct 2020**

**1 CA/36/KOB/2020**

Orders pronounced. **CA/36/KOB/2020 is disposed of vide separate order.**

**2 CA/76/KOB/2020**

Orders pronounced. **CA/76/KOB/2020 is disposed of vide separate order.**

**3 CA/79/KOB/2020**

Learned counsel for the Appellant Ms. Lakshmi Krishnadas 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) Income Tax Return acknowledgement for 2018-2019 and 2019-2020
- (iv) Financial Statements for the years 2016-17, 2017-18 & 2018-19
- (v) Bank Account statements for the period 2017-18, 2018-19 & 2019-20.

Registry is directed to issue notice to ROC through special messenger for his report.  
**List on 10.11.2020.**

**4 IA/63/KOB/2020 IN IBA/240/2019/CB**

No response from the applicant. Learned counsel for the FC Shri Manoj Ramaswamy submitted an email stating his willingness to appear through VC. Since no response from the Applicant **adjourned to 9.11.2020.**

**5 IA/164/KOB/2020 IN IBA/38/KOB/2019**

Learned counsel for the Applicant/RP Shri K.B.Arun Kumar appeared in the VC. This is an application filed by the Resolution Professional under Section 12(2) of IBC, 2016 praying to extend the duration of CIRP process by a further period of 90 days from 11.10.2020. Heard and perused the records. **Prayer is allowed. IA/164/KOB/2020 is disposed of vide separate order.**

#### 6 MA/71/KOB/2020 IN IBA/38/KOB/2019

Learned counsel for the Applicant/RP Shri K.B.Arun Kumar appeared in the VC. Learned counsel for R1 Shri Reji George as well as Learned counsel for R4 Shri Pranoy Harilal also appeared in the VC. This is an application filed by the Resolution Professional under Section 19(2) of IBC, 2016 praying to direct the R4 to transfer an amount of Rs.5,46,08,871.37 which was retained by R4 pursuant to the order of this Tribunal dated 11.3.2020 in MA/23/KOB/2020 in IBA/38/KOB/2019 to the current account of the CD for the purpose of Resolution Process. Heard both the parties. Both the parties submitted that an appeal connected to this matter is listed for pronouncement of orders on 25.11.2020 by NCLAT. **Therefore, list on 27.11.2020.**

#### 7 IBA/35/KOB/2020

Learned counsel for the IB Applicant/Operational Creditor Shri Maninder Singh as well as learned counsel for the Corporate Debtor Shri P.V.Vinod appeared through VC. It appears from records that vide order dated 29<sup>th</sup> September 2020 the Corporate Debtor was directed to file their counter within two weeks from that date. But no counter has been filed. Learned counsel for CD today raised the preliminary objection that the IB Application is not maintainable due to the fact that the debt amount is less than one crore. The Bench observed that since the cause of action occurred before 25.03.2020, the point raised by the CD has no legs to stand. CD is therefore directed to file their counter within two weeks positively with copy served to the OC. Thereafter OC may file his rejoinder, if any, within one week. Since this is an IBC matter it is expected that both the parties will co-operate to dispose of the case at an early date. **List on 6.11.2020 at 2.30 pm for hearing.**

#### 8 IA/99/KOB/2020 IN IA/66/KOB/2019 IN TCP/22/KOB/2019

Learned counsel for the Applicant in IA M/s. Raktin Gogoi and Sivasankar R. Panicker, learned counsel for the respondents Shri C.S.Ajith Prakash and learned counsel for the Administrator Shri Manuel Viverra appeared through VC. Heard both the parties. **List for final hearing on 9.11.2020.** Before that date both the parties may file their written arguments in the matter.

#### 9 IA/100/KOB/2020 IN TCP/22/KOB/2019

Learned counsel for the Applicant in IA M/s. Raktin Gogoi and Sivasankar R. Panicker, learned counsel for the R1 & R2 Shri C.S.Ajith Prakash, learned counsel for R3, R4, R5 and R7 Ms Soumya Prakash and learned counsel for the Administrator Shri Manuel Viverra appeared through VC. Heard both the parties. **List on 9.11.2020.** Before that date both the parties may file their written arguments in the matter.

#### 10 IA/150/KOB/2020 IN TCP/22/KOB/2019

Learned counsel for the Applicant in IA Shri C.S.Ajith Prakash, learned counsel for R1, R10, R11 M/s. Raktin Gogoi and Sivasankar R. Panicker, learned counsel for

R2, R3, R4 and R6 Ms Soumya Prakash and learned counsel for the Administrator Shri Manuel Vivera appeared through VC. Heard both the parties. **List on 9.11.2020.** Before that date both the parties may file their written arguments in the matter.

**11 TCP/22/KOB/2019**

Learned counsel for the petitioner Shri C.S.Ajith Prakash, learned counsel for R1, R10, R11 M/s. Raktin Gogoi and Sivasankar R. Panicker, learned counsel for R2, R3, R4 and R6 Ms Soumya Prakash and learned counsel for the Administrator Shri Manuel Vivera appeared through VC. Heard both the parties. **List on 9.11.2020.** Before that date both the parties may file their written arguments in the matter.

**12 IA/151/KOB/2020 IN TCP/45/KOB/2019**

Learned counsel for the Applicant Shri Shameem Ahamed, learned counsel for R1 to R5 Ms Aanchal Nichani and learned counsel for R7 Shri Harikumar G. Nair appeared through VC. This application is filed under Rule 11 of the NCLT Rules with the prayer to accept the documents marked as Annexure A22 to Annexure A31 as additional documents. Learned counsel for R7 submitted that the additional documents now filed by the petitioners include Judgements and some Share Transfer certificates. According to him, these share transfer certificates have not been informed to ROC. So, there is an apprehension that these share transfer certificates may be a fabricated one. Hence R7 wants to file counter to the IA. Allowed. Respondents are directed to file their counter in the IA within two weeks with copy served to the applicant. Thereafter the applicant may file his rejoinder, if any, within one week. **List on 10.12.2020.**

**13 TCP/45/KOB/2019**

Learned counsel for the Applicant Shri Shameem Ahamed, learned counsel for R1 to R5 Ms Aanchal Nichani and learned counsel for R7 Shri Harikumar G. Nair appeared in the VC. **List on 10.12.2020 for hearing along with IA/151/KOB/2020.**

**14 CA/66/KOB/2020**

Report of ROC is on record. Heard Reserved for orders. **List for pronouncement of orders on 6.11.2020.**

**15 CA/73/KOB/2020**

Report of ROC is on record. Heard. Reserved for orders. **List for pronouncement of orders on 6.11.2020.**

**16 CA(CAA)/01/KOB/2020**

Learned counsel for the applicant Shri A.Narayanan and learned Senior Chartered Accountant engaged by the Official Liquidator Shri T.N.Radhakrishnan appeared through VC. Learned counsel for the applicant submitted that the fee charged by the Chartered Accountant is quite high and requested the Bench to give direction to the CA to reduce the CA's fee since the Applicant company is dormant for a prolonged period. On the other hand, learned senior Chartered Accountant submitted that the fee charged by him is in accordance with the ICAI Chart and the fee fixed is irrespective of company status. This submission is recorded.

Orders reserved. **List for pronouncement of orders on 12.11.2020.**

17 CP(CAA)/03/KOB/2020

Learned counsel for the petitioner Shri A. NARAYANAN appeared through VC. **List on 12.11.2020 for further proceedings.**

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

This case is posted today for hearing at 2.30 pm. In view of the constitution of the Special Bench for NCLT, Bengaluru Bench with this Bench, the case stands adjourned to **9.11.2020 at 2.30.pm.**

19 IBA/46/KOB/2019

This case is posted today for hearing at 2.30 pm. In view of the constitution of the Special Bench for NCLT, Bengaluru Bench with this Bench, the case stands adjourned to **9.11.2020 at 2.30.pm.**