

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

### **Daily Orders – Draft**

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

**Date: 21st Oct 2020**

#### **1 MA/150/KOB/2020 IN IBA/49/KOB/2019**

Learned Sr. counsel for the applicant Shri Joseph Kodianthara through mail intimated that he could not file the undertaking, as the RP has filed the written submission only yesterday. Hence, he sought a week's time to file the undertaking. **Hence, the pronouncement of orders in this matter is adjourned to 5.11.2020.**

#### **2 IA/90/KOB/2020 IN IBA/49/KOB/2019**

Learned counsel for the Applicant Shri Mohan Pulickkal, learned counsel for RP Shri Vinod PV and learned counsel for R5 Shri Abraham Mathew appeared through VC. It appears from records that Vakkalath on behalf of R2 to R4 have not yet been filed even though the learned counsel for R5 submitted that he represents R2 to R4 also. Today the learned counsel for R5 Shri Abraham Mathew submitted that he is likely to get the Vakkalath for R2 to R4 within a day or two. In the absence of Vakkalath for R2 to R4 the counter filed on behalf of R2 to R5 cannot be taken into consideration. R2 and R4 may file Vakkalath before the next date fixed. **List on 5.11.2020. Please bear in mind that there shall be no further adjournment in this matter.**

#### **3 CA/85/KOB/2020**

Learned counsel for the Appellant Shri Jacob Mathew Manalil 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) Audited Financial Statements from 2015 to 2020

It is noted that the Appellant has not submitted the copy of Income Tax return along with the application. The Appellant is directed to submit the same before the next date fixed. If no IT return, the appellant may file a nil IT return with an affidavit. Registry is directed to issue notice to ROC through special messenger for his report. **List on 16.11.2020.**

#### 4 CA/86/KOB/2020

Learned PCS for the Appellant Shri Pramil Dev 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:

- (iv) Master Data
- (v) Memorandum of Association and Articles of Association
- (vi) Latest Income Tax Return
- (vii) Audited Financial Statements from 2015 to 2019

Registry is directed to issue notice to ROC through special messenger for his report. **List on 16.11.2020.**

#### 5 MA/160/KOB/2020 IN IBA/35/KOB/2019

Learned IRP Shri Sathiq Buhari appeared through VC. This MA is filed by the RP under Section 40C and 60(5) of IBC, 2016 with the prayer to exclude the lock down time under Section 40C of IBC 2016 and permit the IRP to start the CIRP by publishing the public notice as contemplated under Section 13 and 15 of IBC 2016.

It appears from records that this Tribunal vide order dated 22.4.2020 admitted the application and ordered Corporate Insolvency Resolution Process against the Corporate Debtor M/s. Goodwin Packpet Pvt Ltd and appointed the applicant as Interim Resolution Professional. It is noted that even though the lock down was relaxed by the Government authorities on 30.5.2020, the IRP has not yet started his CIR Process, which includes paper publication, constitution of Committee of Creditors, etc.

After thoroughly perusing the whole case records, this Tribunal hereby exclude the lock down period from 22.4.2020 to 30.5.2020 from the CIRP period. The IRP is directed to complete the CIR Process on or before 30.11.2020.

**MA/160/KOB/2020 is disposed of accordingly.**

#### 6 MA/162/KOB/2020 IN IBA/52/KOB/2019

Learned counsel for the applicant Shri Shivshankar R. Panicker appeared through VC. This is an application filed by the Corporate Debtor under Rule 11 of the NCLT Rules, 2016 with the prayers to direct the Respondent/Resolution Professional to permit the applicant or their counsel to attend the meetings of the CoC and to provide the copies of all documents in connection with the CIR process. Meanwhile the learned counsel for RP Shri Vinod PV submitted an email requesting time to file counter in the MA. He may do so within two weeks. **List on 23.11.2020 for hearing.**

**7 IA/165/KOB/2020 IN CP/122/KOB/2019**

Learned counsel for the Applicant Shri Vizzy George, learned counsel for R1 Shri Sharad Joseph Kodianthara and Learned PCS for R2 Shri Zibi Jose appeared through VC. This application is filed under Section 151 of the Code of Civil Procedure read with 32 and 34 of NCLT Rules, 2016 for advancing the date of hearing of the CP. In the last date of posting this case was decided to post on 14.12.2020. It appears from records that pleadings are complete in the CP. Learned counsel for both the parties agreed to advance the hearing. Hence, the prayer is allowed. **List the CP/122/KOB/2019 for final hearing on 16.11.2020 at 2.30 pm. IA/165/KOB/2020 is disposed of accordingly.**

**8 REPORT NO. 98/KOB/2020 IN MA/04/KOB/2020 IN  
TIBA/24/KOB/2019 (CP/505/(IB)/CB/2017/CHENNAI BENCH)**

Report No.98 ( 11<sup>th</sup> progress report) submitted by the Liquidator is accepted and taken on record. Registry is directed to place the report at the appropriate file.

**9 REPORT NO.101/KOB/2020 IN MA/05/KOB/2020 IN TIBA/01/KOB/2019**

Report filed by the Liquidator Shri Shawn Jeff Christopher is accepted and taken on record. Registry is directed to place the report at the appropriate file.

**10 REPORT NO.103/KOB/2020 IN MA/05/KOB/2020 IN TIBA/01/KOB/2019**

Report filed by the Liquidator Shri Shawn Jeff Christopher is accepted and taken on record. Registry is directed to place the report at the appropriate file.

**11 MA/145/KOB/2020 IN MA/05/KOB/2020 IN TIBA/01/KOB/2019**

This MA is filed by the liquidator with a prayer (i) to direct the suspended directors of the board of the CD (Mr. Reji Sivankutty and Mr. Tinu Jose) under Sections 35(1)(n) & 60(5) of Insolvency and Bankruptcy Code, 2016 and Regulation 9 of the IBBI (Liquidation Process) Regulations, 2016 to provide and make available to the Liquidator the complete set of books of accounts of the CD for the past 4 years from the liquidation commencement date, ie. 19.2.2020 at the earliest to discharge the duties of the liquidator and (ii) to direct the board of directors (Mr. Reji Sivankutty, Mr. Anil Roy, Mr. Revathy Radhakrishnan and Mr. Tinu Jose) of Sabkaa Payments Limited to provide and make available to the Liquidator the complete set of books of accounts of the subsidiary company Sabkaa Payments Limited for the financial year 2016-17 and 2018-19 at the earliest.

Vide order dated 29.9.2020 the liquidator was directed to submit the exact address of the board directors of Sabkaa Payments Ltd. Based on the address given by the Liquidator, notice was duly served to the suspended directors of CD who are also the directors of subsidiary company of CD M/s. Sabkaa Payments Ltd. But notice has not been issued to the other directors of Sabkaa Payments Ltd.

Registry is directed to issue notice to the Directors of Sabkaa Payments Ltd (Mr. Anil Roy and Mrs. Revathy Radhakrishnan) through email in addition to normal procedure, directing them to file their counter, if any.

Meanwhile the suspended Director of CD Shri Reji Sivankutty has filed his Vakalat through Advocate Shri Simod Sivan K. The suspended directors of CD Shri Reji Sivankutty and Shri Tinu Jose are directed to file their counter in the MA within two weeks.

Next date fixed for hearing. List on **24.11.2020**.

**12 IA/173/KOB/2020 IN IBA/21/KOB/2019**

Learned Resolution Professional Shri Jasin Jose appeared through VC. Heard and perused the records. Orders pronounced. **IA/173/KOB/2020 is disposed of vide separate order.**

**13 IA/145/KOB/2020 IN IBA/21/KOB/2019**

Learned RP Shri Jasin Jose appeared through VC. This IA is filed under Section 43(1) of IBC, 2016 with the prayer to avoid the preferential transactions alleged against the CD. Today when the matter was taken up, Learned RP Shri Jasin Jose submitted through VC that he wants to withdraw the aforesaid MA and also sought liberty to file fresh application in the subject matter. The submission of the RP through VC is recorded and accordingly the RP is allowed to withdraw the IA. **Accordingly, IA/145/KOB/2020 is disposed of as withdrawn.**

**14 IA/26/KOB/2019 IN CP/74/KOB/2019**

Learned counsel for applicant Shri Philip Mathew sent his willingness to appear through VC. Learned counsel for respondents 1, 3 and 4 are also ready to appear through VC. No response from other respondents. Due to paucity of time, the matter could not be taken up. Moreover, it is stated that the appeal connected to this matter is pending before the NCLAT and listed on 17.11.2020. Hence adjourned to **19.01.2021**.

**15 IA/47/KOB/2020 IN CP/74/KOB/2019**

No response from the Learned counsel for applicant. Learned counsel for respondents 1,2,3 and 4 intimated their willingness to appear through VC. Due to paucity of time, the matter could not be taken up. Moreover, it is stated that the appeal connected to this matter is pending before the NCLAT and listed on 17.11.2020. Hence adjourned to **19.01.2021**.

**16 CP/74/KOB/2019**

Learned counsel for petitioner Shri Philip Mathew sent his willingness to appear through VC. Learned counsel for respondents 1, 3 and 4 are also ready to appear through VC. No response from other respondents. Due to paucity of time, the matter could not be taken up. Moreover, it is stated that the appeal connected to this matter is pending before the NCLAT and listed on 17.11.2020. Hence adjourned to **19.01.2021**.

**17 CP/09/KOB/2020**

Learned counsel for the petitioner Shri Philip Mathew intimated his willingness to appear through VC. No response from the learned counsel for respondent No.1. Due to paucity of time, adjourned to **31.12.2020**.

**18 CP/30/KOB/2020**

Learned counsel for the petitioner Shri Anil D Nair intimated his willingness to appear through VC. Shri Shivsankar Panicker, learned counsel filed Vakalath for respondents and intimated his willingness to appear through VC. Due to paucity of time, adjourned to **31.12.2020**.

**19 IA/106/KOB/2020 IN CP/19/KOB/2020**

Learned counsel for the applicant Shri B.K.Gopalakrishnan as well as learned counsel for the respondents Shri Santhosh Mathew appeared through VC. Partly heard the arguments. **List on 10.11.2020 at 2.30 PM (Part heard)**

**20 IA/132/KOB/2020 IN CP/19/KOB/2020**

Learned counsel for the applicant Shri B.K.Gopalakrishnan as well as learned counsel for the respondents Shri Santhosh Mathew appeared through VC. Partly heard the arguments. **List on 10.11.2020 at 2.30 PM (Part heard)**

**21 CP/19/KOB/2020**

Learned counsel for the petitioners Santhosh Mathew as well as learned counsel for the respondents Shri appeared through VC Shri B.K.Gopalakrishnan. Partly heard the arguments. **List on 10.11.2020 at 2.30 PM (Part heard)**

**22 IA/172/KOB/2020 IN CP/117/KOB/2019**

Learned counsel for the applicant Shri B.K.Gopalakrishnan as well as learned counsel for the respondents Shri Santhosh Mathew appeared through VC. Heard both the parties. On verification of the IA it is found that the Board Resolution dated 10.12.2020 has not been attached with the IA. Besides, it is stated in the IA that R2 & R3 have agreed to sell the shares based on the resolution made on **01.11.2020**, which seems to be an error. Therefore, the applicant is permitted to make necessary corrections in the IA within a day or two with copy served to the respondents. Respondents are directed to file the counter in the IA within a week thereafter. **List the IA on 2.11.2020 for disposal.**

**23 IA/97/KOB/2020 IN CP/117/KOB/2019**

Learned counsel for the applicant Shri B.K.Gopalakrishnan as well as learned counsel for the respondents Shri Santhosh Mathew appeared through VC. **List on 10.11.2020 at 2.30 PM (Part heard) List on 2.11.2020**

**24 IA/133/KOB/2020 IN CP/117/KOB/2019**

Learned counsel for the applicant Shri B.K.Gopalakrishnan as well as learned counsel for the respondents Shri Santhosh Mathew appeared through VC. **List on 10.11.2020 at 2.30 PM (Part heard)**

**25 CP/117/KOB/2019**

Learned counsel for the applicant Shri B.K.Gopalakrishnan as well as learned counsel for the respondents Shri Santhosh Mathew appeared through VC. **List on 10.11.2020 at 2.30 PM (Part heard)**

