

NCLT, KOCHI

Daily Orders – Draft

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

Date: 8th Oct 2020

1 CA/63/KOB/2020

Learned counsel for the Appellant Shri Roshan Kurian Sebi appeared through V C.
Orders pronounced. CA/63/KOB/2020 is disposed of vide separate order.

2 CA/60/KOB/2020

Orders pronounced. CA/60/KOB/2020 is disposed of vide separate order.

3 CA/72/KOB/2020

Learned counsel for the Appellant Shri Arun Krishna Dhan appeared through VC.
The copy of documents produced by the appellant along with his appeal include the following:

- (i) Memorandum of Association
- (ii) Articles of Association
- (iii) Master Data
- (iv) Order dated 3.3.2017 issued by the Munsiff Court, Thiruvananthapuram
- (v) Bank Statement of the Appellant Company
- (vi) Audited Balance Sheet as at 31.3.2015

Heard and perused the records. Registry is directed to issue notice to ROC through special messenger for his report. List on **15.10.2020 for hearing.**

4 CA/73/KOB/2020

Learned counsel for the Appellant Shri John Vadassery appeared through VC. The copy of documents produced by the appellant along with his appeal include the following:

- (i) Memorandum of Association
- (ii) Articles of Association
- (iii) Master Data
- (iv) Annual Report for the Financial Year 2017-18 and 2018-19
- (v) Latest Income Tax return filed for 2019-20.
- (vi) Board Resolution dated 5.9.2020.

Heard and perused the records. Registry is directed to issue notice to ROC through special messenger for his report. **List on 16.10.2020 for hearing.**

5 REPORT NO.97/KOB/2020 IN TIBA/14/KOB/2019

No representation for the Resolution Professional This is a report filed by the RP in TIBA/14/KOB/2019, **which is taken on record.** Registry is directed to place it on proper record.

6 IA/157/KOB/2020 IN CA/43/KOB/2020

No representation for the applicant in IA/157/KOB/2020. List **on 10.11.2020.**

7 MA/110/KOB/2020 IN MA/10/KOB/2019 IN CP(IB)/689/17(CHENNAI BENCH)

Learned counsel for the applicant in IA 110/KOB/2020 sought an adjournment by sending a email. Learned counsel for the respondent informed their willingness to appear through VC. Since the applicant sought adjournment, this matter is adjourned **to 13.11.2020 for hearing.**

8 IBA/26/KOB/2020

Learned counsel for the IB Applicant Shri Regi George appeared through VC. It appears from records that as per our orders dated 24.8.2020 and 17.9.2020 the Corporate Debtor was directed to file his counter in this IBA. But CD has not yet complied with our orders. Registry reported that Advocate P.V.Elias contacted them through phone and informed that he will file the Vakalath and counter for the CD. But till this time neither the Vakkalath nor the Counter has been filed. Anyway, CD is hereby given a last opportunity to file the counter within one week. Otherwise, orders will be passed according to the procedure of law. **Registry is directed to issue copy of this order to both the parties through email. List on 16.11.2020.**

9 IA/159/KOB/2020 IN IBA/31/KOB/2020

Learned counsel for the applicant in IA / Corporate Debtor Shri Shivashankar R. Panicker appeared through VC. This IA is filed under section 60(5) of the IBC 2016 read with Rules 11 and 32 of NCLT Rules, 2016 with the prayer to dismiss the IBA proceedings since no quorum has been reached in accordance with Section 408 and 419 of Companies Act, 2013. Heard the arguments of the learned counsel for the applicant and perused the records. **Orders pronounced vide separate order. IA/159/KOB/2020 stands dismissed.**

10 IBA/31/KOB/2020

Learned counsel for the Corporate Debtor Shri Shivashankar R. Panicker appeared through VC. Learned counsel for the financial creditor sought an adjournment by sending an email. Since the IA filed by the CD has been dismissed, the CD may file his counter in the IBA within two weeks. Thereafter the Operational Creditor may file his rejoinder, if any. List on **13.11.2020.**

11 TCP/52/KOB/2019 (CP/7/2017)

Learned counsel for the petitioner Shri Rony Jose appeared through VC. Learned counsel for the Respondents Shri Jolly John also appeared through VC. Learned counsel for the petitioner sought an adjournment stating that his senior is held up due to Covid 19 quarantine. Learned counsel for the Respondents also agreed to the request of the learned counsel for the petitioner for an adjournment. Allowed. Both the parties may file their written arguments before the next date fixed. List on **15.12.2020 for final hearing.**

12 IA/56/KOB/2020 IN TCP/61/KOB/2019

Learned counsel for the Applicants/petitioners Shri Cyriac Tom as well as learned counsel for the Respondents Smt. Manjula Devi appeared through VC. Learned counsel for the respondents submitted that counter in the IA will be filed within 3 days. She may do so. Both the parties submitted that pleadings are complete in the main TCP and hence requested to post the TCP for final hearing along with this IA. Allowed. **List on 16.12.2020.**

13 IA/57/KOB/2020 IN TCP/61/KOB/2019

Learned counsel for Applicants/respondents Smt. Manjula Devi as well as learned counsel for the Respondents/petitioners Shri Cyriac Tom appeared through VC. Both the parties submitted that pleadings are complete in the main TCP and hence requested to post the TCP for final hearing along with this IA. Allowed. List on **16.12.2020.**

14 TCP/61/KOB/ 2019 (CP/531/2019)

Learned counsel for the Petitioners Shri Cyriac Tom as well as learned counsel for the Respondents Smt. Manjula Devi appeared through VC. Pleadings are complete. Both the parties are granted time to file their written arguments before the next date fixed. List on **16.12.2020 for final hearing.**

15 CA/66/KOB/2020

Learned counsel for the Appellant Shri Vinod PV appeared through VC. It appears from records that vide our order dated 29.9.2020 this case is posted today for the report of ROC. But ROC has not yet filed his report. Registry is directed to remind ROC through special messenger for his report. List on **16.10.2020 for final hearing.**

16 MA/151/KOB/2020 IN IBA/240/2019/CB

Learned Government Pleader for the applicant Shri Muhammad Fazil MP appeared through VC. Learned counsel for the Liquidator Shri A.G.Sathyanaarayana also

appeared through VC and sought time to file counter in this MA. One weeks' time is allowed to file the counter. List on **19.10.2020 immediately after the admission matters.**

17 MA/76/KOB/2020 IN IBA/240/2019/CB

Learned counsel for the Liquidator Shri A.G.Sathyanarayana, learned counsel for R1 Shri Manoj Ramaswamy and learned counsel for R2 Shri Shinu J. Pillai appeared through VC . Since this matter is connected to MA/151/KOB/2020, I am of the view that it is better to hear both the MAs together. List on **19.10.2020 immediately after the admission matters.**