

NCLT, KOCHI BENCH
DAILY ORDERS – DRAFT

IN THE BENCH OF: SHRI ASHOK KUMAR BORAH, MEMBER (JUDICIAL)

Date: 09th September 2020

1. CP/20/KOB/2020

No representation for the petitioner. Orders pronounced in the open court. **CP/20/KOB/2020 stands disposed of vide separate order.**

2. CA/42/KOB/2020

Shri Abhilash Nediyaalil Abraham appeared for the appellant through V.C. Orders pronounced in the open court. **CA disposed of vide separate order.**

3. CA/47/KOB/2020

Learned counsel for the appellant appeared through VC. Report of ROC is not received. Registry to issue notice to ROC through special messenger to file report in this matter. Let a copy of this order be given to the ROC and a copy of this order be sent to the counsel for appellant through email. Appellant is also directed to pursue the matter with the ROC. List for hearing **on 15.9.2020**

4. CA/48/KOB/2020

Learned counsel for the appellant Shri Nebil Nizar appeared for the appellants through VC and argued the matter. On going through the records it is seen that the appellant has not produced the income tax returns except one filed for the AY 2001-2002. The counsel has stated that he will file the income tax returns, from the Financial Year 1999 onwards, even if it is NIL returns, within two weeks. List for hearing on **23.9.2020**.

**5. MA/111/KOB/2020, REPORT NO.83/KOB/2020 &REPORT NO.84/KOB/2020
IN IBA/38/KOB/2019**

Shri KB Arun Kumar, learned counsel for the applicant in MA/111/KOB/2020 appeared through Video Conferencing and argued the matter. **M.A stands disposed of vide separate order.**

Report No.83/KOB/2020 and Report No.84/KOB/220 are taken on record. Registry is directed to place it on proper record

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

Even though both sides sought link to appear through Video Conferencing, since the learned counsel for the respondents is unwell today, he sought an adjournment in the matter. Learned counsel for the applicant in MA stated that the appeal connected to this matter is listed before the Hon'ble NCLAT on 12.10.2020. Hence this matter is adjourned to 16.10.2020. List on **16.10.2020**.

7. MA/110/KOB/2020 MA/10/KOB/2019 IN N CP(IB)/689/2017(CHENNAI BENCH)

Learned PCS for the applicant in MA/110/KOB 2020 Shri NR Krishnan Unni and learned counsel for Respondent Shri Ravi Rajagopalan appeared through Video Conferencing. This MA is filed for condoning the delay of 3 days in filing the application to set aside the exparte order dated 12.2.2020. The learned counsel for the respondent vehemently opposed the prayer. Learned counsel for the respondents stated that he will be filing a reply to the MA within two weeks. List on **8.10.2020** for hearing.

8. MA/114/KOB/2020 IN MA/515/2019/CHENNAI BENCH IN CP(IB)/315/2019 IN CP(IB)/689/2017

Learned counsel for the applicant in MA Shri NR Krishnan Unni and Shri Ravindra Belayur, learned R.P appeared through Video conferencing. Since the NCLAT have partially allowed the Company Appeal (AT) Ins.No.315 of 2019 on 29.7.2020 directing the Adjudicating Authority to ensure compliance of its order, the applicant has filed the MA before this Tribunal being the Adjudicating Authority in the matter of M/s Merchem Limited. The respondent stated that he has not received copy of the MA. The applicant is directed to send a copy of the MA to the respondent immediately. Respondent is directed to file reply to the MA within a week. List for hearing on **30.9.2020**.

9. MA/115/KOB/2020 IN MA/515/2019/CHENNAI BENCH IN CP(IB)/315/2019 IN CP(IB)/689/2017

Learned counsel for the applicant in MA Shri NR Krishnan Unni and Shri Ravindra Belayur, learned R.P appeared through Video conferencing. Since the NCLAT have partially allowed the Company Appeal (AT) Ins.No.307 of 2019 on 29.7.2020 directing the Adjudicating Authority to ensure compliance of its order, the applicant has filed the MA before this Tribunal being the Adjudicating Authority in the matter of M/s Merchem Limited. The respondent stated that he has not received copy of the MA. The applicant is directed to send a copy of the MA to the respondent immediately. Respondent is directed to file reply to the MA within a week. List for hearing on **30.9.2020**.

10. REPORT NO.88/KOB/2020 IN MA/515/2018/CHENNAI BENCH IN CP(IB)/689/2017

Learned counsel for the for the Successful Resolution Applicant, learned Advocate Shri NPS Chawla and the learned RP Shri Ravindra Belayur appeared through VC. The Affidavit (Report

No.88/KOB/2020 in MA/515/2019) filed by the successful Resolution Application of M/s ACMECHEM Ltd. is taken on record. Registry is directed to place It on proper record.

11. TMA/42/KOB/2019 (MA/450/IB/18(CB) IN CP/689/IB/2017(CB)

Learned RP appeared through VC. Learned PCS Shri N.R. Krishnan Unni appeared on behalf of the respondents and stated that Shri Raghunathan, learned Advocate from Chennai has filed vakalath for the respondents and he will be appearing to argue the matter. He further stated that he is not appearing for the respondents in this matter. Registry is directed to show the name of correct counsel in the cause list. He sought short time on behalf of the counsel on record. List on **30.9.2020** for hearing. A copy of this order be sent by mail to both the parties. It is expected that both parties will cooperate for the early disposal of the matter.

12. MA/9/KOB/19 IN CP(IB)/689/17 CHENNAI BENCH

Learned counsel for Resolution Applicant Shri NP Chawla, learned counsel for RP Shri Ravi Rajaopalan as also learned counsel for most of the respondents appeared through VC. Learned counsel Shri NPS Chowla appearing for resolution applicant submitted that the matter may be heard at an early date as they have engaged more than 100 employees at their venture. Therefore, at least Gujarat Industrial Development Corporation may be directed to install the water connection immediately. It is also stated that the NCLAT has already upheld the Resolution Plan and directed to implement the same. However, respondents who are operational creditors are delaying the implementation.

Counter of Respondents R1, R2, R3, R5, R6, , R10, R12, R13, R14, R15, R16,R19, R20, R21 and R22 are on record. Respondents **7, 8, 9** filed counter on **29.1.2020** but it is seen that **they have already been set exparte on 11.12.2019**. Respondent No.11 filed counter on 28.2.2020 but it is seen that **R11 already been set exparte on 11.12.2019**. On 11.3.2020 the learned counsel for R7,8,9 stated that he will file an application to set aside the exparte order. Hence the reply to R 7,8,9 and 11` cannot be taken into record. They may file IA for setting aside the exparte order, if so advised.

List for final hearing on **18.9.2020 at 2.30 pm.**

13. MA/12/KOB/2020 IN CP(IB)/689/17 CHENNAI BENCH

Learned counsel for the applicant in MA Shri Paul Jacob and learned counsel for Respondent Shri Ravi Rajagopalan appeared through VC. Since urgent orders are required in this matter, learned counsel for respondent sought an early posting. Hence list on **18.9.2020 at 2.30 pm** for final hearing

14. MA/16/KOB/2020 IN CP(IB)/689/17 CHENNAI BENCH

Learned counsel for applicant Shri Muhammed Fazil MP and Shri Ravi Rajagoopal, learned counsel for respondent appeared through VC. List on **18.9.2020 at 2.30 pm along with MA 12/KOB/2020.**

15.MA/17/KOB/2020 IN CP(IB)/689/17 CHENNAI BENCH

Learned counsel for applicant Shri Muhammed Fazil MP and Shri Ravi Rajagoopal, learned counsel for respondent appeared through VC. List on **18.9.2020 at 2.30 pm along with MA 12/KOB/2020.**

16.MA/18/KOB/2020 IN CP(IB)/689/17 CHENNAI BENCH

Learned counsel for applicant Shri Muhammed Fazil MP and Shri Ravi Rajagoopal, learned counsel for respondent appeared through VC. List on **18.9.2020 at 2.30 pm along with MA 12/KOB/2020.**

17.MA/19/KOB/2020 IN CP(IB)/689/17 CHENNAI BENCH

Learned counsel for applicant Shri Muhammed Fazil MP and Shri Ravi Rajagoopal, learned counsel for respondent appeared through VC. List on **18.9.2020 at 2.30 pm along with MA 12/KOB/2020.**

18.TCP/42/KOB/2019 WITH TIA/2/KOB/2019 (IA/183/2019)

On the request of the learned counsel for the petitioner, link for video conferencing was provided to the learned counsel. However, they have not appeared. No request received from the respondents or their counsel. During last hearing M/s Menon & Pai sought adjournment for respondents. However, they have not filed any vakalath till date. It is seen from the records that notice to Respondent No.3&4 in the CP as also in TIA/2/KOB/2019 have not been issued. Petitioner is directed to issue notice to Respondents 3&4 in CP&TIA and produce proof of service with an affidavit, before the next date fixed. Registry is also directed to send notice to Respondents 3&4 through email in addition to normal procedure. List on **19.10.2020.**

19.TCP/14/KOB/2020 (TCP/67/2016(CB))

Learned counsel for the petitioner and respondents sought an adjournment. List on **19.10.,2020** for hearing.

20.CA/43/KOB/2020

Learned PCS for the appellant Shri P.T.Joy appeared through VC. ROC filed report. Heard the arguments. **Orders reserved. List for pronouncement of orders on 14.9.2020.**

