

***NCLT, KOCHI BENCH*****Daily Orders – Draft****In the Bench of: Shri Ashok Kumar Borah, Member (Judicial)****Date: 10<sup>th</sup> September 2020****1. CP/25/KOB/2020**

Learned PCS for the petitioner Shri PP Zibi Jose, learned counsel for R2,4&5 Shri Sukumar Ninan Oommen and learned counsel for R3 Shri P.Sanjay appeared through video conferencing. None appeared on behalf of Respondents 1 and 6. Registry is directed to issue notice to Respondents 1 & 6 through email in addition to normal procedure. Petitioner is also directed to serve notice with a copy of the CP on Respondents 1&6 and file proof of service with an affidavit before the next date fixed. All the respondents shall file their counter to the CP within two weeks.

The learned PCS for the petitioner insisted for an interim relief to suspend the voting power and all other rights attached to the 3400 shares until disposal of the CP. I have perused the averments made in the CP and also heard the arguments advanced by the learned PCS/counsel on either side. The interim relief prayed for cannot be granted now without perusing the counter of the respondents. However, this Tribunal directs that status quo as of today, regarding the voting power and all other rights in relation to 3400 shares of the respondent's company be maintained until further orders.

Registry is directed to send a copy of this order by mail to both parties.

List the CP for hearing on **1.10.2020**.

**2. CP/26/KOB/2020**

Learned PCS for the petitioner Shri PP Zibi Jose, learned counsel for R2,4&5 Shri Sukumar Ninan Oommen and learned counsel for R3 Shri P.Sanjay appeared through video conferencing. None appeared on behalf of Respondents 1 and 6. Registry is directed to issue notice to Respondents 1 & 6 through email in addition to normal procedure. Petitioner is also directed to serve notice with a copy of the CP on Respondents 1&6 and file proof of service with an affidavit before the next date fixed. All the respondents shall file their counter to the CP within two weeks.

The learned PCS for the petitioner insisted for an interim relief to suspend the voting power and all other rights attached to the 950 shares until disposal of the CP. I have perused the averments made in the CP and also heard the arguments advanced by the learned PCS/counsel on either side. The interim relief prayed for cannot be granted now without perusing the counter of the respondents.

However, this Tribunal directs that status quo as of today, regarding the voting power and all other rights in relation to 950 shares of the respondent's company be maintained until further orders. Registry is directed to send a copy of this order by mail to both parties.

List the CP for hearing on **1.10.2020**.

### **3. CP/27/KOB/2020**

Learned PCS for the petitioner Shri PP Zibi Jose, learned counsel for R2,4&5 Shri Sukumar Ninan Oommen and learned counsel for R3 Shri P.Sanjay appeared through video conferencing. None appeared on behalf of Respondents 1 and 6. Registry is directed to issue notice to Respondents 1 & 6 through email in addition to normal procedure. Petitioner is also directed to serve notice with a copy of the CP on Respondents 1&6 and file proof of service with an affidavit before the next date fixed. All the respondents shall file their counter to the CP within two weeks.

The learned PCS for the petitioner insisted for an interim relief to suspend the voting power and all other rights attached to the 1100 shares until disposal of the CP. I have perused the averments made in the CP and also heard the arguments advanced by the learned PCS/counsel on either side. The interim relief prayed for cannot be granted now without perusing the counter of the respondents. However, this Tribunal directs that status quo as of today, regarding the voting power and all other rights in relation to 1100 shares of the respondent's company be maintained until further orders.

Registry is directed to send a copy of this order by mail to both parties.

List the CP for hearing on **1.10.2020**.

### **4. CA/49/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 18.9.2020**

### **5. CA/50/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 18.9.2020**

### **6. REPORT NO.85/KOB/2020 IN TIBA/01/KOB/2019**

Learned Liquidator Shri Shawn Jeff Christopher appeared through VC. Report No.85/KOB/2020 is taken on record. Registry is directed to place it on proper record.

## **7. REPORT NO.86/KOB/2020 & REPORT NO.87/KOB/2020 IN IBA/52/KOB/1019**

Shri George Varkey, IRP appeared through VC. Report No. 86/2020 which is a progress report is taken on record. In report No.87 it is stated that the CoC meeting held on 3.8.2020 it was resolved that Mr.George Varkey, the present IRP is appointed as the Resolution Professional in the matter CIRP of Propyl Packaging Limited under the provisions of Section 22(3)(a) of IBC 2016. This fact is recorded.

Registry is directed to place both reports on proper record.

## **8. IA/124/KOB/2020 IN IBA/16/KOB/2020**

Learned counsel for the Luvia Networks Pvt. Ltd (CD) Shri Vino Jose and the learned counsel for OC Shri John Mani V appeared through VC, They sought time to file Form FA under Regulation 30A of the IBBI (Insolvency Resolution Process for Corporate Persons) Regulations, 2016. Time is granted. List on **21.9.2020**.

## **9. IA/125/KOB/2020 IN IBA/16/KOB/2020**

No representation for the Resolution Professional. Hence adjourned to **21.9.2020**.

## **10. MA/113/KOB/2020 in TIBA/09/KOB/2019**

Advocate Vijay V.Paul, learned counsel for the RP along with Shri R.Velu, Resolution Professional appeared through VC. Argument heard. **MA disposed of vide separate orders.**

## **11. MA/01(KOB)/2020 IN IBA/145/2019(CB)**

None appeared for the applicant in the MA. It appears that this matter is pending since 25.11.2019. It is also seen that the applicant has filed a compliance memo of order dated 22.1.2020 which is on record. Next date fixed for hearing. It is expected that both parties will cooperate for early disposal of the MA. If no appearance is made, order shall be passed according to the procedure of law. A copy of this order be sent to the learned counsel for the applicant and respondents by email. List on **30.09.2020**

## **12. TCP/44/KOB/2019**

Learned counsel Shri Philip Mathew and Shri Anil D Nair, for respondents appeared through VC. According to order dated 27.7.2020 the Report No.51 filed by the Chartered Accountant has been taken on record. Registry to place it on proper record. The learned counsel for respondents stated that the order dated 21.4.2020 has been taken in appeal vide CA(AT) No.124/2020 before the Hon'ble NCLAT, which is now posted to 24.9.2020. Since the TCP No.44/KOB/2019 has already been disposed of by this Tribunal, and the report of the Chartered Account is accepted, no further orders is necessary at this stage.

## **13. CA/44/KOB/2020**

Shri Gokul RI, PCS appeared for the appellant through VC. Arguments heard, **Orders reserved. List for pronouncement of order on 11.9.2020.**

#### **14. IA/83/KOB/2020 & IA/87/KOB/2020 & IA/95/KOB/2020 IN CP/114/KOB/2019**

Shri Sukumar Ninan Oommen, learned counsel for the applicant and Shri P.Sanjay, learned counsel for R1&2 and learned PCS for Shri PP Zibi Jose for R3 appeared through VC. Learned PCS for R3 stated that Rule 121 of the NCLT Rules, 2016 has not been properly followed by the learned counsel for the applicant. In IA 83 and 87 counter has been filed. Applicant may file rejoinder, if any, before the next date fixed. It is seen that no notice has been issued to R4 from this Registry. Registry is directed to issue notice in all the IAs to R4 through email in addition to normal procedure. Applicant is also directed to serve notice on R4 in all the three IAs and file proof of service with an affidavit before the next date fixed. In IA 95/KOB/2020 all the respondents shall file their counter before the next date fixed. **List on 1.10.2020 for hearing.** Both the parties are directed to strictly follow Rule 121 of the NCLT Rules, 2016.

#### **15. IA/84/KOB/2020 & IA/86/KOB/2020 & IA/93/KOB/2020 IN CP/119/KOB/2019**

Shri Sukumar Ninan Oommen, learned counsel for the applicant and Shri P.Sanjay, learned counsel for R1&2 and learned PCS for Shri PP Zibi Jose for R3 appeared through VC. Learned PCS for R3 stated that Rule 121 of the NCLT Rules, 2016 has not been properly followed by the learned counsel for the applicant. In IA 84 and 86 counter has been filed. Applicant may file rejoinder, if any, before the next date fixed. It is seen that no notice has been issued to R4 from this Registry. Registry is directed to issue notice in all the IAs to R4 through email in addition to normal procedure. Applicant is also directed to serve notice on R4 in all the three IAs and file proof of service with an affidavit before the next date fixed. In IA 93/KOB/2020 all the respondents shall file their counter before the next date fixed. **List on 1.10.2020 for hearing.** Both the parties are directed to strictly follow Rule 121 of the NCLT Rules, 2016.

#### **16. IA/85/KOB/2020 & IA/88/KOB/2020 & IA/94/KOB/2020 IN CP/125/KOB/2019**

Shri Sukumar Ninan Oommen, learned counsel for the applicant and learned PCS Shri PP Zibi Jose for R3 appeared through VC. Learned PCS for R3 stated that Rule 121 of the NCLT Rules, 2016 has not been properly followed by the learned counsel for the applicant. In IA 85 and 88 counter has been filed by Respondent 3. It is noticed that Respondents 1&2 also filed counter in the above IAS. However, no vakalath is seen filed. Shri P.Sanjay, learned counsel stated that he will be filing vakalath for R1&2. Applicant may file rejoinder, if any, before the next date fixed. It is seen that no notice has been issued to R4 from this Registry. Registry is directed to issue notice in all the IAs to R4 through email in addition to normal procedure. Applicant is also directed to serve notice on R4 in all the three IAs and file proof of service with an affidavit before the next date fixed. In IA 94/KOB/2020 all the respondents shall file their counter before the next date fixed. **List on 1.10.2020 for hearing.** Both the parties are directed to strictly follow Rule 121 of the NCLT Rules, 2016.

