

NCLT, KOCHI BENCH

Daily Orders – Draft

In the Bench of:

Hon'ble Shri Ashok Kumar Borah, Member (Judicial)

Date: 08th September 2020

1. IA/40/KOB/2020 IN MA/7/KOB/2019 IN IBA/258/CHENNAI BENCH/2019

Learned counsel for the applicant Shri Ameerul Millath and learned counsel for the respondent Shri Akhil Suresh appeared through VC. **Orders pronounced. IA is rejected vide separate order.**

2. CA/45/KOB/2020

Learned PCS Shri Yogindunath appeared for the appellant and argued. Issue notice to ROC to file their report. List on **14.09.2020**. Registry to inform this order to the ROC through special messenger.

3. CA/46/KOB/2020

Learned PCS Shri Abhilash Nedyalil Abraham appeared for the appellant and argued. Issue notice to ROC to file their report. List on **14.09.2020**. Registry to inform this order to the ROC through special messenger.

4. IA/23/KOB/2020 IN TCP/49/KOB/19

Learned counsel for the applicant in IA as also learned counsel for R8 intimated their wiliness to appear through VC. Since no representation for the petitioner in TCP/49/KOB/2019, adjourned to **2.11.2020**.

5. TCP/49/KOB/19 WITH CA/13/2009(CLB)

No representation for the petitioner. Learned counsel for R2,3 and 6 intimated their willingness to appear through VC. No response from other respondents. According to order dated 14.7.2020 the petitioner was granted time to engage an advocate at Ernakulam. It also appears from the record that CA/13/2009 filed before the Company Law Board Chennai, which has been transferred to this Bench is yet to be disposed of. Registry is directed to re-number the same and post along with the main CP on **2.11.2020**. Before that date the petitioner may engage a counsel at Ernakulam.

6. TCA/18/KOB/KOB/19 (CA/228/18(C.B) IN TCP/53/KOB/2019

Learned counsel for applicant Ms.Rema Smrithi and the learned senior counsel Shri Joseph Kodianthara and Shri Vivekkumar, PCS appeared through VC. TCA/18/KOB/2019 for restoration of CA/228/18 has already been allowed vide order dated 21.10.2019. Hence Registry is directed to re-number CA/228/2018. Learned counsel for both parties sought a posting of this matter to 22.9.2020 along with the connected matter. List on **22.9.2020**.

7. TCP/53/KOB/19(CP/33/17)

Learned PCS for the petitioner and the learned Senior Counsel for the R1 & 3 appeared through VC. Learned counsel for both parties sought a posting of this matter to 22.9.2020 along with the connected matter. List on **22.9.2020**.

8. TCP/54/KOB/19(TCP/108/16)

Learned counsel for the petitioner and respondents sought an adjournment of the matter for a physical hearing in the court. However, it is not clear when the physical hearing will be started in the court. Adjourned to **3.11.2020**.

9. CONTEMPT PETITION /03/KOB/2020 IN IA/33/KOB/2020 IN CP/72/KOB/2019

Learned counsel for the Contempt Petitioner send an email informing his willingness to appear through VC. Learned counsel for the Respondent 1 and Respondents 4&5 also informed their willingness to appear through VC. However, learned counsel for the Respondent 2 sent a soft copy of the petition for extension of time to file response and sought an adjournment. However, the hard copy of the same is not received. He may file the hard copy and thereafter the Registry will scrutinize the same and list the petition for orders. **List on 28.9.2020**.

10. CONTEMPT PETITION/04/KOB/2020 IN IA/32/KOB/2020 IN CP/71/KOB/2019

Learned counsel for the Contempt Petitioner send an email informing his willingness to appear through VC. Learned counsel for the Respondent 1 and Respondents 4&5 also informed their willingness to appear through VC. However, learned counsel for the Respondent 2 sent a soft copy of the petition for extension of time to file response and sought an adjournment. However, the hard copy of the same is not received. He may file the hard copy and thereafter the Registry will scrutinize the same and list the petition for orders. **List on 28.9.2020**.

11. CONTEMPT PETITION/05/KOB/2020 IN IA/31/KOB/2020 IN CP/69/KOB/2019

Learned counsel for the Contempt Petitioner send an email informing his willingness to appear through VC. Learned counsel for the Respondent 1 and Respondents 4&5 also informed their willingness to appear through VC. However, learned counsel for the Respondent 2 sent a soft copy of the petition for extension of time to file response and sought an adjournment. However, the hard copy of the same is not received. He may file the hard copy and thereafter the Registry will scrutinize the same and list the petition for orders. **List on 28.9.2020**.

12. IA/32/KOB/19 IN CP/69/KOB/2019

Learned counsel for both parties intimated their willingness to appear through VC. Since the connected matters are adjourned to 28.9.2020, list this matter also on **28.9.2020**.

13. CP/69/KOB/2019

Learned counsel for both parties intimated their willingness to appear through VC. Since the connected matters are adjourned to 28.9.2020, list this matter also on **28.9.2020**.

14. IA/33/KOB/19 IN CP/71/KOB/2019

Learned counsel for both parties intimated their willingness to appear through VC. Since the connected matters are adjourned to 28.9.2020, list this matter also on **28.9.2020**.

15. CP/71/KOB/2019

Learned counsel for both parties intimated their willingness to appear through VC. Since the connected matters are adjourned to 28.9.2020, list this matter also on **28.9.2020**.

16. IA/34/KOB/19 IN CP/72/KOB/2019

Learned counsel for both parties intimated their willingness to appear through VC. Since the connected matters are adjourned to 28.9.2020, list this matter also on **28.9.2020**.

17. CP/72/KOB/2019

Learned counsel for both parties intimated their willingness to appear through VC. Since the connected matters are adjourned to 28.9.2020, list this matter also on **28.9.2020**.

18. CP/74/KOB/2019 WITH IA/26/KOB/19

Learned counsel for the petitioner as also learned counsel for R1, R3 appeared through VC. Learned counsel for R4 sent willingness to appear through VC. No response from R2. Learned counsel for the petitioner stated that appeal No.CA(AT)91/2020 against the order passed by this Tribunal is pending before the NCLAT which is posted for objection/hearing on 15.9.2020 and that this matter may be posted to a later date. On perusal of records, it is seen that the pleadings are complete in this matter. List for final hearing **on 21.10.2020**. Before that date, both sides are directed to submit the synopsis of their written argument.

19. IA/47/KOB/2020 IN CP/74/KOB/2019

No response from the learned counsel for the applicant in IA. Learned counsel for all the respondents sent their readiness to appear through VC. Since there is no response from the applicant in IA, the matter is adjourned to 21.10.2020 to be heard along with CP/74/KOB/2019. List on **21.10.2020**.

20. CP/122/KOB/2019

Learned counsel for the petitioner intimated his readiness to appear through VC. Learned counsel for the Respondents also stated that they are ready to argue the matter. However, learned senior counsel for R1 stated that a connected matter is already posted on 29.9.2020 and that this matter may also be posted on that date. Hence adjourned to **29.9.2020**.

21. CP/126/KOB/19

Learned counsel for petitioner and learned PCS for respondents 1 to 3 appeared through VC. Learned counsel for both parties sought an adjournment for final hearing of the matter to another date. List for final **hearing on 22.10.2020**. Before that date, both parties are directed to file the synopsis of the written argument, along with the citations, if any.

22. CP/02/KOB/2020

No response from both the parties. Since the IA No.44/KOB/2020 filed by the respondents in the CP for referring the matter to Arbitration has been taken for orders and that the appeal filed by the respondents before the Hon'ble NCLAT is pending, this matter is adjourned **to 4.11.2020**.

23. CA(CAA)/01/KOB/2020

Learned counsel for the applicant appeared through VC. Today the case is posted for filing the report of the Chartered Accountant and the proof of paper publication. It is seen that paper publication has been submitted on 1.9.2020. The paper publication has been made on 19.8.2020 in two newspapers. In the meantime, the Official Liquidator filed a statement stating that the Official Liquidator engaged Shri T.N.Radhakrishnan, Chartered Accountant to scrutinize the books and records of the transferor companies and to submit the report. However, the Chartered Accountant requested to grant time till 30th September, 2020 to submit his report. Hence the Official Liquidator sought time up to 15th October, 2020 to submit the report. This request is allowed.

Learned counsel for the applicant stated that he has handed over all the required documents on 26.8.2020. After that he informed through mail about the developments. He has further stated that the Chartered Accountant has charged the fee of Rs. 2.36 lakhs as the professional fee. However, it is quite not possible for the company to bear such a huge amount as the company is dormant for prolonged time. In view of the aforesaid position of the company, this Tribunal directs the Chartered Accountant to charge a reasonable fee.

Registry to send a copy of this order to the Official Liquidator, the Chartered Accountant Shri TN Radhakrishnan, Ram Complex, 39/2824, KSN Menon Road, Kochi-16 also the counsel for the applicant.

List on **16.10.2020**.

24. CP(CAA)/03/KOB/2020

Learned counsel for the applicant/petitioner is present through VC. Since the CA(CAA)/01/KOB/2020 is posted to 16.10.2020, list this matter **on 16.10.2020.**