

NCLT, KOCHI BENCH

Daily Orders – Draft

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

Date: 17th Sept 2020

1 CA/51/KOB/2020

None has appeared for the parties. Orders pronounced. CA/51/KOB/2020 is disposed of vide separate order.

2 CA/55/KOB/2020

Learned counsel for the Appellant Shri Bijoy P.Pulipra submitted an email seeking an adjournment for two weeks stating that his father passed away this morning. Shri Ponnan Alex G.R., Advocate submitted an email stating that he will be filing the vakkalath for the Respondents before 21.9.2020 and sought an adjournment. List on 15.10.2020.

3 CA/56/KOB/2020

Learned PCS for the Appellant Ms..Lekshmi N. appeared in the VC. She submitted that the Appellant Company is an ongoing concern. Along with the Appeal, the appellant has submitted the financial statements and also the income tax return. Anyhow I have to hear the ROC. Registry is directed to issue notice to ROC through special messenger. Appellant may also pursue the matter with the ROC. Let a copy of this order be issued to the Appellant. List on 24.9.2020, before that date ROC may file his report.

4 REPORT NO.92/KOB/2020 IN IBA/52/KOB/2019

None has appeared for the RP. Shri Sivasankar R. Panicker appeared for the CD. Report No.92 is filed by the RP regarding the change of Committee of Creditors. Report is accepted and taken on record. Registry is directed to place the Report in the appropriate file.

5 IA/105/KOB/2020 IN IBA/25/KOB/2020

Learned counsel for the Applicant/Corporate Debtor Shri Jithin Saji Issac as well as learned counsel for the Financial creditor/Respondent in the IA Shri Leo George appeared in the VC. This IA is filed by the CD raising maintainability of the IB Application as a preliminary issue stating that the power of attorney produced by the FC does not authorize the signatory of the application to file the application under IBC. Registry reported that the Counter filed by the FC in the IA is defective. Shri

Leo George submitted that he will cure the defect within a day or two. Heard both the parties. Orders reserved. List for pronouncement of orders in the IA on 24.9.2020, before that date the FC may cure the defects of their counter filed in the IA.

6 IBA/25/KOB/2020

Learned counsel for both the parties appeared in the VC. Learned counsel for the CD Shri Jithin Saji Issac submitted an email stating that the Managing Director of the CD is in Critical Containment zone and is under strict lockdown since 26.8.2020. Hence, he sought one months' time to file the written statement/counter in the IBA. Today arguments of both the parties were heard in the IA of this IBA and reserved for orders on 24.9.2020. Both the parties agreed to post this IBA on that date. Hence list on 24.9.2020, before that date the Corporate Debtor may file their Counter in the IBA.

7 IBA/26/KOB/2020

Learned counsel for the Applicant Shri Regi George appeared in the VC. Vide order of this Tribunal dated 24.8.2020 learned counsel for the CD Shri P.V.Alias, Advocate was directed to file his counter within two weeks. But no counter has been filed by the CD. As a last opportunity and also to meet the ends of justice, CD is directed to file his counter within a week and FC may file his rejoinder before the next date fixed. Please bear in mind that there shall be no further adjournment in this matter. List on 8.10.2020.

8 CP/3(KOB)/2020

Learned PCS for the petitioner Shri John Vadassery as well as Learned PCS for R1 and R3 Shri Krishnan Unni and learned counsel for R2 Shri Prashant Kumar appeared in the VC. Learned counsel for the petitioner argued the matter. Learned counsel for R2 submitted that he is not filing any counter. R1 and R3 has already filed their argument notes. Arguments of learned counsel for R2 concluded. List on 22.9.2020 at 2.30 PM for the arguments of the Learned counsel for the petitioner as part heard.

9 CP/17/KOB/2020

Learned counsel for the petitioner as well as learned counsel for R4, R6 and R8 submitted an email stating their willing to argue the matter through VC. But learned counsel for R2 sought an adjournment for two weeks stating that against the Interim Order of this Tribunal, petitioners approached the Hon'ble High Court and the High Court has reserved orders in the Writ Petition. No response from R3. Even though notice was served on R5, he has not made appearance today. Learned counsel for the petitioner submitted that there is no stay from High Court after 11.9.2020 and he proposed the name of a former judge of Kerala High Court to be appointed as Administrator in compliance with the order of this Tribunal dated 22.6.2020. Due to paucity of time adjourned to 14.10.2020. Respondents may file their counter before that date.

10 CA/44/KOB/2019

Learned counsel for the Appellant and learned counsel for R1 submitted an email stating their willingness to argue the matter through VC. No response from R4, R6 to R9, R11, R13 to R18. It is seen that IA filed to set aside the ex parte order against respondents 2 and 3 who were declared as ex parte has been returned as defective. Due to paucity of time adjourned to 15.10.2020.

11 TCP/8/KOB/2019 WITH TIA/102/KOB/2020 & TIA/103/KOB/2020

Learned counsel for both parties appeared in the VC. Lengthy arguments of both the parties concluded. Orders reserved. List for pronouncement of orders in **TIA/102/KOB/2020** on 13.10.2020. List **TCP/8/KOB/2019 WITH TIA/103/KOB/2020** on **13.10.2020**.

12 TCP/11/KOB/2019

Learned counsel for both parties appeared in the VC. List on 13.10.2020 **along with TCP/8/KOB/2019 WITH TIA/103/KOB/2020**.