

**NATIONAL COMPANY LAW APPELLATE TRIBUNAL, CHENNAI
(APPELLATE JURISDICTION)**

**Company Appeal (AT) (CH) No.04/2021
(Under Section 421(1) of the Companies Act, 2013)**

**(Arising out of Order dated 27.11.2020 passed in I.A.No. 99/KOB/2020 IN I a No. 66/KOB/2019
in TCP No. 22/KOB/2019
by the National Company Law Tribunal, Kochi Bench, Kerala.)**

IN THE MATTER OF:

Kerala Chamber of Commerce and Industry,
Represented by its Director, Mr. Shibu Prabhakaran,
With Registered Office at No. XXXVII/801,
Shanmugham Road, Kochi, Ernakulam, Kerala — 682031.

APPELLANT

VERSUS

1. M/s Tap World,
Represented by its Managing Partner, Mr. A.K. Ansari,
Villa No. 20, Kristal Garner,
Ernakulam, Kerala — 682021.

RESPONDENT NO.1

2. M/s Travancore Solvents & Oils,
Represented by its Proprietor, Mr. Shafieque Ahamed K. K.,
Kadavanthode House, Kuranniyoor P.O.,
Chavakkad, Kerala — 680506.

RESPONDENT NO.2

3. Mr. K.N. Marzook,
Erstwhile Director,
Kerala Chamber of Commerce and Industry,
Ratnapuri, ERG Road, Tatapuram P.O.,
Ernakulam, Cochin — 682014.
Email: knmarzook@colombogroup.in

RESPONDENT NO.3

Also at:

Flora PHED Side Road, Janatha, Palarivattom,

Cochin, Kerala — 682025.

4. Mr. E. P. George, S/o Pavoo,
Erstwhile Director & Chairman,
Kerala Chamber of Commerce & Industry,
36/1686, Judges Avenue, Kaloor,
Ernakulam, Kerala — 682017.
Email: noveltycochin@sifi.com

RESPONDENT NO.4

5. Mr. Mathew George Kuruvithadam,
Erstwhile Director,
Kerala Chamber of Commerce & Industry,
Kuruvithadam, Perumballor P.O.,
Moovattupuzha, Kerala — 686673.
Email: mgkuruvi@gmail.com

RESPONDENT NO.5

6. Mr. Biju Cherian,
Erstwhile Director,
Kerala Chamber of Commerce & Industry,
G-95, Panampilly Nagar,
Cochin, Kerala — 682036.
Email: bijucc@cherianvarkey.com

RESPONDENT NO.6

7. Mr. K. M. Abdulla
Director,
Kerala Chamber of Commerce & Industry,
33/1736-A, Rahath Manzil,
Puthiya Road, Vennala,
Ernakulam, Kerala — 682028
Email: sbdullas4u@gamil.com

RESPONDENT NO.7

8. Mr. Raja Sethunath,
Former Director,
Kerala Chamber of Commerce & Industry,
Veekshanam Road Junction, Chitoor Road,
Ernakulam, Kerala — 682034.
Email: rajasethunath@gamil.com

RESPONDENT NO.8

9. Mr. Deepak Kumar Shetty,
Former Director,
Kerala Chamber of Commerce & Industry,
No. 282893-A, Vrindavan,
South Ponneth, Temple Road, Vikas Nagar,
Ernakulam, Kerala — 682020.
Email: deepakshetty@jainarayana.com

RESPONDENT NO.9

10. Mr. U.C. Riyaz,
Director,
Kerala Chamber of Commerce & Industry,
Flat No. 5-A, Sangeetham Apartments,
M.G. Road, Opp. Shipyard,
Perumanoor, Kerala — 682015.
Email: riyaz@datamateindia.com

RESPONDENT NO.10

11. Mr. Kayiyath Mohammed Ahamed Iqbal,
Director,
Kerala Chamber of Commerce & Industry,
Elamkulam, Elamakara P.O.,
Ernakulam, Kerala — 682026.
Email: iqbalekm@orientalgroup.biz

RESPONDENT NO.11

12. Mr. Usman Kadavil Seethy
Finance Director,
Kerala Chamber of Commerce & Industry,
Kadavi House, Edappally P.O.,
Ernakulam, Kerala — 682024.

Email: usman@lensandframes.com

RESPONDENT NO.12

13. Mr. Antony Thomas,
Director,
Kerala, Chamber of Commerce & Industry,
Kottaram House, 34-1966A,
Near Queen Park, Keerthi Nagar, Edappally P.O.,
Ernakulam, Kerala — 682024.
Email : kottaram@kottaram.in

RESPONDENT NO.13

14. Mr. Shibu Prabhakaran,
Director,
Kerala Chamber of Commerce & Industry,
TC 42/316, Mukkolakkai Supreme,
Sreevaraham P.O., Trivandrum — 695001.
Email: shibuprabhakaran@gmail.com

RESPONDENT NO.14

15. Mr. A.J. Rajan, IAS (Retd),
S/o Joseph, Alinchuvattil House,
Valanjavattom P.O., Kadapara,
Pathanamthitta District — 689104
Email: aj.rajan24@gmail.com

RESPONDENT NO.15

16. The Registrar of Companies
Company Law Bhavan,
BMC Road, Thrikkakkara P.O.,
Ernakulam, Kerala — 682021.
Email: roc.ernakulam@mca.gov.in

RESPONDENT NO.16

Present :

For Appellant : Mr. Abhinav Vasisht, Ld. Sr. Counsel

Mr. Rohan Batra, Ld. Advocate

For Respondent : Mr. Wills Mathew, Ld. Advocate. R1

Ms. Devayani Vijayakumar,

Ld. Advocate - R2

Mr. Anil D Nair, Ld. Advocate

– - R3,R4 & R7

Mr. Justus, Ld. Advocate - R15

ORDER

(Through Virtual Mode)

09.03.2021

For Respondent No. 1, Mr. Wills Mathew, the Learned Counsel appears and he informs this 'Tribunal' that Respondent No. 1 is to be served with the copy/copies of the 'Appeal Paper Book(s)' and in this regard, the Learned Counsel for 'Appellant' is required to furnish the copy/copies of the "Appeal Paper Book(s)" and other material papers to the Learned Counsel for Respondent No. 1 within one week from 'Today'. Soon after the receipt of the copy/copies of the 'Appeal Paper Book(s)' etc., the Learned Counsel for Respondent No. 1 is permitted to file Reply/Response/Counter of Respondent No. 1 within two weeks thereafter.

Likewise, for the Respondent No. 2 Learned Counsel Ms. Devayani Vijaya Kumar appears and informs this 'Tribunal' that Respondent No. 2 is to be served with the copy/copies of the 'Appeal Paper Book(s)' and in this regard, Learned Counsel for 'Appellant' is required to furnish the copy/copies of the "Appeal Paper Book(s)" and other material papers to the Learned Counsel for Respondent No. 2 within one week from 'Today'. Soon after the receipt of the copy/copies of the 'Appeal Paper Book(s)' etc., the Learned Counsel for Respondent No. 2 is permitted to file Reply/Response/Counter of Respondent No. 2 within two weeks thereafter.

For Respondent No. 3, 4 & 7, Mr. Anil D Nair, the Learned Counsel appears and he informs this 'Tribunal' that Respondent No. 3, 4, & 7 is to be served with the copy/copies of the 'Appeal Paper Book(s)' and in this regard, Learned Counsel for 'Appellant' is required to furnish the copy/copies of the "Appeal Paper Book(s)" and other material papers to the Learned Counsel for Respondent No. 3, 4 & 7 within one week from 'Today'. Soon after the receipt of the copy/copies of the 'Appeal Paper Book(s)' etc., the Learned Counsel for Respondent No. 3, 4 & 7 is permitted to file Reply/Response/Counter of Respondent No. 3, 4, & 7 within two weeks thereafter.

For Respondent No. 15, Mr. Justus, the Learned Counsel appears and he informs this 'Tribunal' that Respondent No. 15 is to be served

with the copy/copies of the 'Appeal Paper Book(s)' and in this regard, Learned Counsel for 'Appellant' is required to furnish the copy/copies of the "Appeal Paper Book(s)" and other material papers to the Learned Counsel for Respondent No. 15 within one week from 'Today'. Soon after the receipt of the copy/copies of the 'Appeal Paper Book(s)' etc., the Learned Counsel for Respondent No. 15 is permitted to file Reply/Response/Counter of Respondent No. 15 within two weeks thereafter.

In respect of Respondent No. 5, 6, 10, 11 & 14 'Service of Notice' is awaited. In respect of other Respondent No. 8, 9, 12, 13, 15 & 16 although notices were served, yet, none appeared on their behalf either in person or through any 'Representative/Learned Counsel' through virtual mode and the said fact is hereby recorded.

The Learned Counsels appearing for the Respondent No. 1, 2, 3, 4, & 7 are required to serve copy of their 'Reply/Response/Counter' of the said Respondents to the Learned Counsel for 'Appellant' before the next date of Hearing. Soon after the receipt of Reply/Response/Counter from the Learned Counsels for Respondent No. 1, 2, 3, 4, & 7. It is open to the Learned Counsel for the Appellant' to file 'Rejoinder, if any, with seven days, ofcourse by furnishing the copy on the Learned Counsel of the other side before four days of next date of Hearing.

The Learned Counsels for Respondent No. 1, 2, 3, 4 & 15 are required to furnish their email address to the Learned Counsel for 'Appellant' for effecting service of 'Paper Book(s)' and other material papers, in a facile manner. Till then the 'Interim Order' dated 22.02.2021 shall continue.

The 'Office of the Registry' directed to List the matter on 08.04.2021.

**(Justice Venugopal M.)
Member (Judicial)**

**(V. P. Singh)
Member (Technical)**

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