



2026:KER:15322

W.P.(C). No.5934 of 2026

: 1 :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR.JUSTICE VIJU ABRAHAM

WEDNESDAY, THE 18TH DAY OF FEBRUARY 2026 / 29TH MAGHA, 1947

WP(C) NO. 5934 OF 2026

PETITIONER:

K.N.NARAYANAN NAMBOOTHIRIPAD
AGED 65 YEARS
S/O.K.R. NARAYANAN NAMBOOTHIRIPAD, KANJIRAPPILLY
MANA, LOTUS LANE, THRISSUR, PIN - 680010

BY ADVS.
SRI.V.R.GOPU
SHRI.J.NARAYANA PILLAI
SMT.URMILA.M.G
SMT.NANDANA P.

RESPONDENTS:

- 1 THE REGISTRAR OF NCLT KOCHI BENCH
COMPANY LAW BHAVAN, BMC ROAD, THRIKKAKARA PO,
KAKKANADU, KOCHI, PIN - 682021
- 2 K.PARAMESWARAN NAIR
LIQUIDATOR OF M/S SREE BHADRA PARKS AND RESORTS
LIMITED, 37/1736E, KRIPASAGARM, K.MURALI
ROAD, KADAVANTHRA, ERNAKULAM, KERALA, PIN - 682020

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 18.02.2026, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:



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VIJU ABRAHAM, J.

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Dated this the 18th day of February, 2026

JUDGMENT

The above writ petition is filed challenging Exts.P11 and P12 orders dated 20.01.2026 and 27.01.2026 respectively and the consequential direction passed by the Judicial Member in IA(IBC)/133/KOB/2025 in IA(IBC)/134/KOB/2025 and connected matters.

2. It is contended that petitioner was one of the directors of the company by name M/s.Sree Bhadra Parks and Resorts Limited. An application filed by the Financial Creditor M/s. Sri Ramani Resorts and Hotels Pvt. Ltd, under Section 7 of the Insolvency and Bankruptcy Code, 2016 was admitted by the National Company Law Tribunal (NCLT), Kochi Bench,. Since no resolution plan was received, by order dated 09.02.2022 the NCLT passed an order of liquidation and appointed the 2nd respondent as the liquidator of the Corporate Debtor. During the process of liquidation, the 2nd respondent filed an application under Section 66 of the IBC as IA (IBC) 196/KOB /2021 seeking for a direction from the National Company Law Tribunal for declaring certain entries made in the



books of account of Corporate Debtor for an amount of Rs.2,94,77,269/- are fraudulent and for a further direction to compensate the corporate debtor. The said application was allowed by the Tribunal. An appeal was preferred before the NCLT, which was dismissed as per order dated 05.12.2022. Against the dismissal of the appeal, the petitioner filed a Civil Appeal before the Apex Court and the same is numbered as Civil Appeal (Diary) No.3271 of 2023, but the same was dismissed for not curing the defects and thereafter an application was filed by the petitioner for restoration of the above appeal and the said application was allowed and the case was posted for admission on 16.02.2026. While so, the 2nd respondent - Liquidator, filed an execution petition before the NCLT for recovery of the decree amount and another application seeking disclosure of the asset of the judgment debtors. The petitioner filed reply to these applications. On the submission made by the petitioner that the matter is pending consideration before the Apex Court in Civil Appeal, the matter was adjourned for 15 days, making it clear that, if respondents failed to obtain any interim protection within the said period, they should be bound to furnish a list of their movable and immovable attachable assets to the Liquidator and should face execution proceedings. The



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petitioner could not secure any interim order from the Apex Court and thereupon the NCLT directed the petitioner to furnish details of the movable and immovable assets on oath with documentary evidence within 15 days. Thereafter by Ext.P7 order, a further direction was issued to produce the requisite details of the assets within two working days. Later, the NCLT passed a further order on 13.11.2025, granting 72 hours as a last chance to comply with the orders or else to pay cost of Rs.2 lakhs. Thereupon a writ petition was filed by the petitioner as W.P.(C)No.43208 of 2025 seeking a direction to restrain and stay the NCLT, Kochi Bench from enforcing the impugned orders, including disclosure of assets and imposition of costs. The said writ petition was disposed of as per Ext.P10 judgment granting two weeks' time to comply with the order of the NCLT. Since the direction has not been complied with, Ext.P11 order was issued by the NCLT, Kochi Bench, directing payment towards cost of Rs.2,00,000 /- within 48 hours and also to file the requisite documents and informations. Thereupon the petitioner again approached this Court filing an extension petition in W.P.(C)No.43208 of 2025 and two weeks' time was granted by this Court to comply with the directions in the order issued by the NCLT, Kochi Bench. Since the direction was not complied with



within the extended time, Ext.P12 order was issued. It is submitted that Ext.P11 and P12 orders of the Single Bench of NCLT Kochi Bench is without jurisdiction and petitioner is intending to file an appeal before the National Company Law Appellate Tribunal (NCLAT), Chennai challenging Exts. P11 and Ext P12 Orders. The petitioner relying on Section 419(3) of the Companies Act, 2013 submits that the matter has to be heard by a Bench of two Members, one Judicial Member and one Technical Member and that the order passed by the Single Member is without any jurisdiction.

3. It is to be seen that the petitioner approached this Court earlier filing W.P.(C)No.43208 of 2025 seeking a breathing time, so as to enable them to move the Apex Court for obtaining interim orders and this Court has granted two weeks' time to comply with the directions of the NCLT. The petitioner did not comply with the same and filed an extension petition. This Court has granted two weeks' time more to comply with the directions of the Single Bench of the NCLT, Kochi Bench. Though extension of time was sought and granted by this Court, the petitioner did not comply with the directions. It is pertinent to note that petitioner has sought time to comply with Ext.P11 order, which is issued by the Singly Bench



only.

4. It is also to be noted that though Section 419 of the Companies Act mandates that the powers of the Tribunal shall be exercisable by Benches consisting of two Members out of whom one shall be a Judicial Member and the other shall be a Technical Member, the proviso to Section 419(3) mandates that it shall be competent for the Members of the Tribunal authorised in this behalf to function as a Bench consisting of a single Judicial Member and exercise the powers of the Tribunal in respect of such class of cases or such matters pertaining to such class of cases, as the President may, by general or special order, specify. Therefore, going by the proviso to Section 419(3), a Single Member could function as a Bench and exercise the powers on specific authorisation by the President. Therefore, the contention that the orders impugned - Exts.P11 and P12 are passed by an incompetent authority cannot be accepted. Further, the petitioner has approached this Court and sought time twice and this Court has granted extension of time also. Even thereafter, the directions have not been complied with. Though the petitioner has filed an appeal before the Apex Court, they have not been able to secure any orders till date.



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In the light of the above, there is absolutely no merit in this writ petition and the same is accordingly, dismissed.

Sd/-
VIJU ABRAHAM
JUDGE

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APPENDIX OF WP(C) NO. 5934 OF 2026

PETITIONER EXHIBITS

- Exhibit P1 THE TRUE COPY OF THE EXECUTION PETITION NO. I.A (IBC) 133/KOB/2024 IN I.A (IBC) 196/KOB/2021 IN IBA 13/KOB/2020 DATED 13.12.2024 FILED BEFORE THE NCLT KOCHI BENCH
- Exhibit P2 TRUE COPY OF THE APPLICATION I.A (IBC) 134/KOB/2024 IN I.A (IBC) 133/KOB/20254 IN I.A (IBC) 196/KOB/2021 IN IBA 13/2020DATED 13.12.2024
- Exhibit P3 THE REPLY AFFIDAVITS FILED BY THE PETITIONER IN I.A (IBC) 133/KOB/2025 BEFORE THE NCLT, KOCHI BENCH DATED 04.07.2025
- Exhibit P4 THE REPLY AFFIDAVITS FILED BY THE PETITIONER IN (IBC)134/KOB/2025 BEFORE THE NCLT, KOCHI BENCH DATED 04.07.2025
- Exhibit P5 THE TRUE COPY OF THE COMMON ORDER IN I.A (IBC)/133/KOB/2025 IN I.A (IBC)/196/KOB/2021 AND IN I.A (IBC)/134/KOB/2025 IN I.A (IBC)/133/KOB/2025 IN I.A (IBC)/196/KOB/2021 OF NCLT KOCHI BENCH DATED 11.09.2025
- Exhibit P6 THE TRUE COPY OF THE COMMON ORDER IN I.A (IBC)/133/KOB/2025 IN I.A (IBC)/196/KOB/2021 AND IN I.A (IBC)/ 134/KOB/2025 IN I.A (IBC)/133 /KOB/2025 IN I.A (IBC)/196 /KOB/2021 OF NCLT KOCHI BENCH DATED 14.10.2025
- Exhibit P7 THE TRUE COPY OF THE COMMON ORDER IN I.A (IBC)/133/KOB/2025 IN I.A (IBC)/196/KOB/2021 AND IN I.A (IBC)/134/KOB/2025 IN I.A (IBC)/133/KOB/2025 IN I.A (IBC)/196/KOB/2021 OF NCLT KOCHI BENCH DATED 10.11.2025
- Exhibit P8 THE TRUE COPY OF THE ORDER MISCELLANEOUS APPLICATION NO.19432/2025 DATED 07.11.2025 OF SUPREME COURT



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- Exhibit P9 THE TRUE COPY OF THE COMMON ORDER IN I.A (IBC)/133/KOB/2025 IN I.A (IBC)/196/KOB/2021 AND IN I.A (IBC)/134/ KOB/2025 IN I.A (IBC)/133 /KOB/2025 IN I.A (IBC)/196/ KOB/2021 OF NCLT KOCHI BENCH DATED 13.11.2025
- Exhibit P10 THE TRUE COPY OF THE JUDGEMENT IN W.P(C) NO.43208/2025OF HON'BLE HIGH COURT OF KERALA DATED 10. 12.2025
- Exhibit P11 THE TRUE COPY OF THE COMMON ORDER IN I.A (IBC)/133/KOB/2025 IN I.A (IBC)/196 /KOB/2021 AND IN I.A (IBC)/ 134/KOB/2025 IN I.A (IBC)/133/KOB/2025 IN I.A (IBC)/196/KOB/ 2021 OF NCLT KOCHI BENCH DATED 20.01.2026
- Exhibit P12 TRUE COPY OF COMMON ORDER IN I.A (IBC)/ 133/KOB/2025 IN I.A (IBC)/ 196/KOB/2021 AND IN I.A (IBC)/ 134/KOB/2025 IN I.A (IBC)/ 133/KOB/2025 IN I.A (IBC)/196/KOB/2021 OF NCLT KOCHI BENCH DATED 27.01.2026
- Exhibit P13 THE TRUE COPY OF COPY APPLICATION OF CERTIFIED COPY OF ORDER IN I.A (IBC)/133/KOB/2025 IN I.A (IBC)/196/ KOB/2021DATED 20.01.2026
- Exhibit P14 THE TRUE COPY OF COPY APPLICATION OF CERTIFIED COPY OF ORDER IN I.A (IBC)/133/KOB/2025 IN I.A (IBC)/196/ KOB/2021 DATED 27.01.2026