



**IN THE NATIONAL COMPANY LAW TRIBUNAL
KOCHI BENCH
KOCHI**

IA(IBC)/439/KOB/2022

IN

IA(IBC)/399/KOB/2022

IN

CP(IB)/30/KOB/2021

(Under Section 60(5) of IBC, 2016, Rule 11 & 32 of NCLT Rules, 2016)

In the matter of:

M/s. ITMA Hotels Private Limited

MEMO OF PARTIES:

- 1. JOSE M M**, S/o. Mathew Mylakulath Ettan, House No. XXV/98, Mathew Vihar, Koonamthai Edappally P.O, Kochi – 682 024;
- 2. MERIN JOSE**, W/o. Jose M M, House No. XXV/98, Mathew Vihar, Koonamthai Edappally P.O, Kochi – 682 024.

... Applicants/Respondents

-Versus-

KIZHAKKEKARA KURAIKOSE JOSE, CA, RP of ITMA Hotels India Pvt Ltd., K K Jose & Associates, Yenvee Complex, Temple Road, Aluva, Kerala – 683 101.

... Respondent

Coram:

Shri P. Mohan Raj	:	Member (Judicial)
Shri Satya Ranjan Prasad	:	Member (Technical)

Appearances (through video conferencing)

For Applicants	:	Mr. Bijesh B Tom, Advocate represented Mr. Jolly John (Advocate)
For Respondent	:	Mr. Kizhakkekara Kuriakose Jose, Liquidator

Order reserved on: 15.12.2022
Order pronounced on: 29.03.2023



IN THE NATIONAL COMPANY LAW TRIBUNAL
KOCHI BENCH

IA(IBC)/439/KOB/2022 IN IA(IBC)/399/KOB/2022 IN CP(IB)/30/KOB/2021
In re M.M Jose & Merin Jose Vs. Kizhakkekara Kuraijose Jose, RP of ITMA Hotels India Pvt Ltd.

ORDER

1. This is an application to implead additional respondents No. 1 and No.2 in IA(IBC)/399/KOB/2022 which is an application for approval of resolution plan by the RP.
2. ITMA Hotels Private Limited, the corporate debtor was admitted to CIRP on 31.12.2021. The CoC was constituted and the RP has proceeded with the application for approval of resolution plan. The applicant submits that as promoters of CD and erstwhile Managing director the applicants need to be heard. It is stated that a compromise is proposed by them and a settlement dated 02.12.2022 is made to CoC. The applicants also allege collusion.
3. Heard the submissions and perused documents. The requirement of impleading the promoters and erstwhile management in an application for approval of resolution plan is not envisaged under the IBC, 2016. As far as statutory schema the respondents had an opportunity to submit the resolution plan as per the provisions of code with the CoC and RP. In the matter, the resolution plan approved by CoC with 100% voting has been considered and approved by this Tribunal vide order dated 29.03.2023 in IA(IBC)/399/KOB/2022. Hence, this petition is bad for misjoinder.
4. In result, the application is **dismissed** and disposed of.

SATYARANJAN PRASAD Digitally signed by SATYARANJAN PRASAD
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Satya Ranjan Prasad
Member (Technical)

PANDIAN MOHAN RAJ Digitally signed by PANDIAN MOHAN
RAJ
Date: 2023.03.29 14:46:57 +05'30'

P. Mohan Raj
Member (Judicial)

Signed on this, 29th day of March, 2023.

Rohit