



2026:KER:10158

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE T.R.RAVI

THURSDAY, THE 5<sup>TH</sup> DAY OF FEBRUARY 2026 / 16TH MAGHA, 1947

OP(C) NO. 1148 OF 2025

IA 23/2025 IN CP NO.5 OF 2024 OF NATIONAL COMPANY LAW

TRIBUNAL, KOCHI BENCH, KAKKANAD

PETITIONER/2ND RESPONDENT:

JAMES THOMAS  
AGED 62 YEARS  
S/O MATHAI THOMAS, NEAR CHARIS BHAVAN, MUNDUVELIPADY,  
ATHIRAMPUZHA, KOTTAYAM, PIN - 686562.

BY ADVS.  
SRI.M.KIRANLAL  
SRI.MANU RAMACHANDRAN  
SRI.T.S.SARATH  
SRI.R.RAJESH (VARKALA)  
SHRI.SAMEER M NAIR  
SMT.SAILAKSHMI MENON  
SMT. AASHI K. SHAJAN  
SMT.MINZA FATHIMA SALIM M.  
SMT.DHILNA NAZRIN

RESPONDENT/APPLICANT/RESPONDENTS:

- 1 C.S NARENDRER REDDY BANALA  
RESOLUTION PROFESSIONAL, DAVANI SILKS PRIVATE LIMITED,  
3-7-406/PS/204/2ND FLOOR, FLAT #204, PARKSTONE  
APARTMENTS, SIRIMALLE NAGAR COLONY HYDERGUDA ,ADITHYA  
PHARMACY, HYDERABAD, TELANGANA, PIN - 500048.



- 2        **MR T.S JAYAPRAKASH**  
**FINANCIAL CREDITOR, R/O 1/964, NANJAPPA NAGAR,**  
**OLAVAKKODE.P.O, PALAKKAD, KERALA, PIN - 678002.**
  
- 3        **MR IBRAHIMKUTTY. K.A**  
**FINANCIAL CREDITOR, R/O KIZHAKKETHIL HOUSE,**  
**CHIRAMANANGAD.P.O PANNITHADAM, THRISSUR, KERALA, PIN -**  
**680604**
  
- 4        **MR ARUN JYOTHI MATHIAS**  
**FINANCIAL CREDITOR, R/O MATHIAS VILLA, KANNANCHATH,**  
**CHUNDALE.P.O, WAYANAD, PIN - 673123..**
  
- 5        **MR JOSEPH JESTIN**  
**FINANCIAL CREDITOR, R/O VRA 194, VAPPALASSERY.P.O,**  
**ANGAMALAY, KERALA, PIN - 683572.**

**BY ADVS.**  
**SRI.SANKAR P PANICKER**  
**SRI.NEBIL NIZAR**  
**SHRI.SREENATH VIJAYARAGHAVAN**  
**SHRI.AJAY GEORGE**  
**SHRI.AKHIL J CHANDRAN**  
**SMT.AKHILA C.**

**THIS OP (CIVIL) HAVING COME UP FOR ADMISSION ON 05.02.2026,**  
**THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**



**T.R. RAVI, J.**

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**OP(C) No.1148 of 2025**  
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Dated this the 05<sup>th</sup> day of February, 2026

**JUDGMENT**

The Original Petition has been filed by the 2<sup>nd</sup> respondent in the proceedings before the National Company Law Tribunal challenging Ext.P5 order dated 15.04.2025. The order relates to payment of expenses of the Resolution Professional. The Tribunal has directed the counsel for the applicant/Resolution Professional to provide copies of the invoices to the 1<sup>st</sup> respondent through his counsel as well as to all other respondents arrayed as parties and the counsel for the Resolution Professional was directed to convene a meeting of Committee of Creditors and place the aforementioned invoices before the Committee of Creditors. The Tribunal also recorded an expectation that the Committee of Creditors will consider such invoices and facilitate the payments within one month from the date of the order.



2. The ground on which the order is challenged is that the question of payment has to be decided by the Committee of Creditors and there cannot be a direction to make payment. A reading of the order impugned does not suggest any such directions. The direction is only to place the invoices before the Committee of Creditors and the decision on the payment is left to the Committee of Creditors. Merely because a hope is expressed in the order regarding the timeline for making the payment, it will not constitute a direction by the Tribunal to the Committee of Creditors to make payments. The Committee of Creditors will have to proceed in accordance with the Act and Rules and take a decision. Understanding the order in the above manner, I do not find any reason for the apprehensions which have been spelt out in the Original Petition.

3. A request was made that the Tribunal may be directed to consider and pass orders on the application for liquidation. I do not think such a direction be given in this Original Petition. It is for the petitioner to make such a request before the National



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Company Law Tribunal.

With the above observations, this Original Petition is  
disposed of.

Sd/-

**T . R . RAVI**  
**JUDGE**

Sru

**APPENDIX OF OP(C) NO. 1148 OF 2025****PETITIONER EXHIBITS**

- Exhibit P1** TRUE COPY OF THE THE NCLT ORDER DATED 30.05.2024 IN CP (IBC)/05/KOB/2024
- Exhibit P2** TRUE COPY OF THE MINUTES OF THE 1ST COMMITTEE OF CREDITORS MEETING DATED 27.06.2024
- Exhibit P3** TRUE COPY OF THE THE MINUTES OF THE 7TH COC MEETING DATED 10.12.2024
- Exhibit P4** TRUE COPY OF THE IA (IBC)/23/KOB/2025 IN CP (IBC)/05/KOB/2024
- Exhibit P5** A TRUE COPY OF THE ORDER DATED 15.04.2025
- Exhibit P6** TRUE COPY OF THE EMAIL DATED 24.04.2025 ISSUED BY THE ADVOCATE OF THE RESOLUTION PROFESSIONAL

**RESPONDENT EXHIBITS**

- Exhibit R1(a)** True copy of the Order dt 15-04-2025 in IA (IBC) 23/KOB/2025 in CP(IBC)/05/KOB/2024 on the file of the Honorable National Company Law Tribunal Kochi Bench
- Exhibit R1 (c)** True copy of the Order dt 20-12-2024 in IA IBC 402/KOB/2024 in CP(IBC)/05/KOB/2024 on the file of the Honorable National Company Law tribunal Kochi Bench
- Exhibit R1 (b)** True copy of the Email communication dt 04-05-2025 issued by the Counsel for the Respondent No 1 to the Petitioner and the Respondents
- Exhibit R1 (d)** True copy of the Email communication dt 30-07-2024 issued by the Petitioner to the Respondents