

IN THE HIGH COURT OF KERALA AT ERNAKULAM

(Original Jurisdiction)

In the matter of the Companies Act, 1956  
and

**In the matter of M/S. APPLE A DAY PROPERTIES PRIVATE LIMITED**

M.C.A No.22/2013 in CP.Nos.16,22,27 & 46 of 2011  
and 4,5,6,7,8,9 & 10 of 2012  
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Before:

THE HONOURABLE MR.JUSTICE V.CHITAMBARESH

Thursday, the 12th day of September 2013/21<sup>st</sup> Bhadra, 1935

APPLICANT  
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SOMANADHAN V.S  
'MADHAVI NILAYAM', NEAR P J ANTONY GROUND  
PACHALAM P.O., COCHIN.

RESPONDENT  
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APPLE A DAY PROPERTIES PRIVATE LIMITED  
N.H. BYE PASS ROAD, PALARIVATTOM, COCHIN - 24.

Application under Section 391 read with Rule 67 of the Companies (Court) Rules, 1959 filed by the applicant above named <sup>paying</sup> that separate meetings be held at hall of the secured creditors and different classes of unsecured creditors and for the purpose of considering and if thought fit approving with or without modification a scheme of Compromise proposed to be made between the company and the various classes of creditors of the said company.

And that directions may be given as to the method of convening, holding and conducting the said meetings and as to the notices and advertisements to be issued.

And that a Chairman may be appointed of the said meetings who shall report the result thereof to this Hon'ble Court.

This application coming on for orders on this day upon hearing SRI.JACOB MATHEW MANALIL, Advocate for the applicant and, SRI.S.P CHALY, Advocate for the Respondent Company, Apple A Day Properties (Pvt) Ltd and, SRI.SAJI.P.JOSEPH, Advocate for Addl.R2 & R3 in CP 22/11 and, SRI.JACOB SEBASTIAN, Advocate for Addl.R4 in CP 22/11 and, SRI.K.C.ELDHO, Advocate for Addl.R5 & for the Applicant in CA 195/12 in CP 22/11 and, SRI.R.RAJESH KORMATH, Advocate for Addl.R6 in CP 22/11 and, SRI.K.R VINOD, Advocate for Addl.R7 & R15 in CP 22/11 and, SRI.BABY M.A, Advocate for Addl.R8 in CP 22/11 and, SRI.K.P.SUDHEER, Advocate for Addl.R9 in CP 22/11 and, SRI.GEORGE VARGHESE (MANACHIRACKAL), Advocate for Addl.R10, R11 & R12 in CP 22/11 and, SRI.V.M.KURIAN, Advocate for Addl.R14 and, SRI.RAM MOHAN.G and SRI.G.P.SHINOD, Advocates for Addl.R26 & R27 & for the Applicant in CA 29/12 in CP 22/11 and, SRI.N.ANIL KUMAR, Advocate for Addl.R33 in CP 22/11 and, SRI.JOHN JOSEPH VETTIKAD, Advocate for Addl.R37 and, SRI.G.SREEKUMAR(CHELUR), Advocate for the Applicant in CA 752/12 in CP 22/11 and, SMT.SADANA KUMARI, Advocate for the Applicant in CA 150/12 in CP 22/11 and, SRI.PEEYUS A.KOTTAM, Advocate for the Applicant in CA 105/12 & 106/12 in CP 22/11 and, SRI.PHILIP MATHEW, Advocate for the Applicant in CA 734/11 in CP 22/11 and, DR.K.P.SATHEESAN(SR), Advocate for the Applicant in CA 523/12 in CP 22/11 and, SRI.BABU KARUKAPADATH, Advocate for the Applicant in CA 272/13 in CP 22/11 and, Sri.K.Anand and Smt.Latha Krishnan, Advocates for Addl.R44 and, Sri.C.P.Chandrasekharan, Advocate for Addl.R46 & R47 in CP 22/11 and, SRI.K.JAJU BABU, Advocate for Addl.R2 in CP 16/11 and, SRI.P.RADHAKRISHNAN, Advocate for Addl.R3 & R4 in CP 16/11 and, SRI.RAJEEV.V.KURUP, Advocate for Addl.R5, R6, R7 & R8 in CP 16/11 and, SRI.SAJI VARGHESE & SMT.MARIAM MATHAI, Advocates for Addl.R9 in CP 16/11 and, SRI.C.S.MANILAL, Advocate for Addl.R10 in CP 16/11 and, SRI.ANCHAL C.VIJAYAN, Advocate for Addl.R11 in CP 16/11 and, SRI.T.K.VENUGOPALAN, Advocate for the Applicant in CA 25/12 and, SMT.BINDU SREEKUMAR, Advocate for Addl.R12 to Addl.R27 in CP 16/11 and, Sri.S.Sanal Kumar, Advocate for the Applicant in CA 433/13 in CP 16/11 and, SRI.PRAVEEN K.JOY, Advocate for the Petitioners in CP Nos.27/11, 3/12 & 4/12 and, SRI.S.RAMESH BABU, Advocate for the Petitioner in CP 46/11 and, SRI.V.M.KRISHNAKUMAR, Advocate for the Petitioner in CP 6/12

and, SRI.BABU CHERUKARA, Advocate for the Petitioner in CP 7/12 and, SRI.SANU S.PANICKER, Advocate for the Petitioner in CP 12/12 & 1/13 and, SRI.P.K.RAVISANKAR, Advocate for the Petitioner in CP 19/13 and, SRI.SATHISH NINAN, Standing Counsel for S.B.T and, GOVERNMENT PLEADER for the State and, Advocate SRI.SUBHASH CHAND, MEDIATOR appointed by the Kerala State Legal Services Authority, and <sup>Adv.</sup> Sri.Vinod Madhavan, Administrator appointed by this Hon'ble Court, the court passed the following:

39/

**V. CHITAMBARESH, J**

**M.C.A. NO. 22 OF 2013**

Dated this the 12<sup>th</sup> day of September, 2013

**ORDER**

Mr. Justice P.R. Raman is appointed as the Chairman to convene a meeting of the creditors of the Company. The creditors comprise of the secured creditors and the unsecured creditors. The unsecured creditors fall in two categories and they are:

- (i) The projects which cannot be completed; and
- (ii) The projects which can be completed.

2. The Chairman shall conduct a meeting of the different classes of creditors separately. The venue and time of the meeting shall be fixed later. The Chairman shall be paid a remuneration of ₹1,00,000/- (Rupees One lakh only) for convening the meeting as above.

Post along with the connected cases after Onam holidays.

Sdf  
V. Chitambareslu, Judge

|| true copy ||

Assistant Registrar  
23/9/13

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