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**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD**

CA(CAA) No. 68/NCLT/AHM/2017

Coram:


**Present: Hon'ble Mr. BIKKI RAVEENDRA BABU
MEMBER JUDICIAL**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF AHMEDABAD BENCH
OF THE NATIONAL COMPANY LAW TRIBUNAL ON 05.06.2017**

Name of the Company: Sabar Export (I) Pvt Ltd.

Section of the Companies Act: Section 230-232 of the Companies Act, 2013

S.NO. NAME (CAPITAL LETTERS) DESIGNATION REPRESENTATION SIGNATURE


1. NAVIN PAHWA ADV. PETITIONER 

2.

ORDER

Learned Advocate Mr. Navin Pahwa present for Applicant.

Order pronounced in open Court. Vide separate sheet.


**BIKKI RAVEENDRA BABU
MEMBER JUDICIAL**

Dated this the 5th day of June, 2017.

**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD**

C.A.(CAA) No.68/NCLT/AHM/2017

CORAM: SRI BIKKI RAVEENDRA BABU, MEMBER JUDICIAL

(Date: 5th day of June, 2017)

In the matter of: -

Sabar Export (I) Private Limited,
A Company having its Registered Office
at: A-2, 3912, GIDC Estate, Phase-IV
Behind Cadmach, Vatva,
Ahmedabad - 382445.

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Applicant
(Transferor Company)

Appearance: -

1. Mr. Navin Pahwa, Advocate, with Ms. Natasha Sutaria, Advocate, for M/s Thakkar & Pahwa, Advocates, for the Petitioner-company.

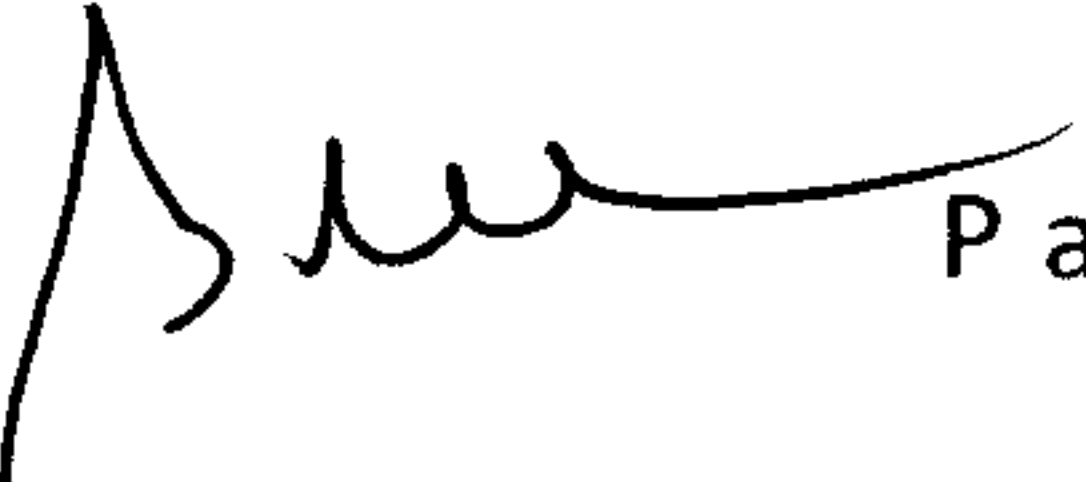
FINAL ORDER

(Date:05.06.2017)

1. Sabar Export (I) Private Limited (Transferor Company) has filed this application under section 230 to 232 of the Companies Act, 2013 seeking dispensation of meeting of equity shareholders of the applicant transferor company for the purpose of considering and, if thought fit, approving, with or without modification, a Scheme of Amalgamation of Sabar Export (I) Private Limited (Transferor Company), with Sabar Engineering Private Limited (Transferee Company) ("Scheme" for short).

2. The applicant is a private limited company. Paid up equity share capital of the applicant company is Rs. 1,00,000/-. The Board of Directors of the applicant company has approved the Scheme of Amalgamation by passing board resolution in their Meeting held on 3rd April 2017.

3. It is stated in the application that the accounting treatment specified in the Scheme is in conformity with the accounting standards prescribed in the Companies Act, 2013 and a certificate

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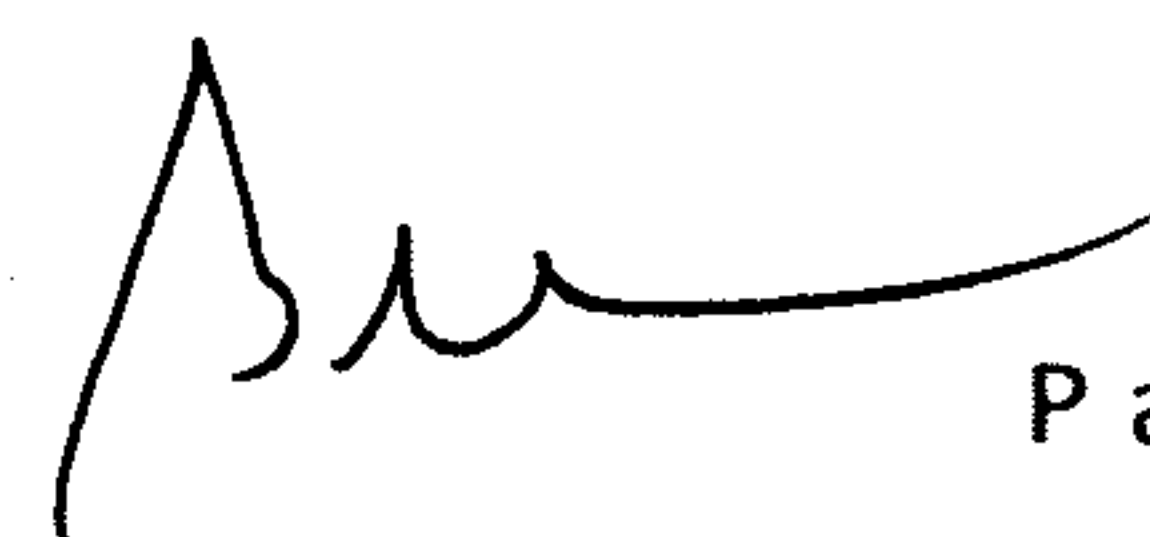
dated 24th April 2017 issued by the statutory auditors of the Company is filed.

4. It is also stated in the application that the Company has twelve equity shareholders and all the twelve equity shareholders have given their consent, in writing, in approval to the Scheme of Amalgamation waiving their right to convene the meeting of equity shareholders. Affidavits of the shareholders are annexed at Annexure-F Colly. The applicant-company has placed reliance on certificate of Chartered Accountants (Annexure-G), which certifies that the applicant company has twelve equity shareholders.

5. The applicant company has stated that there are no secured or unsecured creditors of the applicant company. Reliance is placed on certificate of GMCA & Co., Chartered Accountants dated 24th April 2017, Annexure-G which certifies that the applicant company does not have any secured or unsecured creditor.


6. In the circumstances, the meeting of equity shareholders of the applicant company, for the purpose of considering and, if thought fit, approving, with or without modification(s), the Scheme, is dispensed with.

7. In compliance of subsection (5) of Section 230 and Rule 8 of the Companies (CAA) Rules, 2016, the applicant company shall send a notice in Form No. CAA.3 along with copy of the Scheme of Arrangement, to (i) the Central Government through the Regional Director, North Western Region, (ii) The Registrar of Companies, (iii) The Income Tax Authorities, (iv) the Official Liquidator stating that the representations, if any, to be made by them shall be made within a period of 30 days from the date of receipt of such notice, failing which it shall be presumed that they have no objection to make on the proposed Scheme. The aforesaid authorities, who desire to make any representation under sub-section (5) of Section 230 shall send the same to the Tribunal within a period of 30 days from the date of



receipt of such notice, failing which it shall be deemed that they have no representation to make on the proposed amalgamation.

8. This Company Application is disposed of accordingly.


BIKKI RAVEENDRA BABU
MEMBER JUDICIAL

Pronounced by me in open court
on this 5th day of June, 2017.

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