

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH**

I:A 205/2018

IN

C.A (CAA) No. 23/BB/2018

Under Rule 32 R/w Rule 11 of the NCLT Rules, 2016

In the matter of:

Bangalore Agrotech Limited,

Off Tumkur Road, Peenya,

Yeshwanthpur,

Bengaluru-560022.

- Transferor/Applicant Company No.1

Versus

Bharat Fritz Werner Limited,

Off Tumkur Road, Peenya,

Yeshwanthpur,

Bengaluru-560022.

- Transferee/Applicant Company No.2

Coram: 1. Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)

2. Hon'ble Shri Ashok Kumar Mishra, Member (Technical)

Date of Order: 7th August, 2018

For the Petitioner : Ms. A. Shreyas, Advocate.

Per: Rajeswara Rao Vittanala, Member (Judicial!)

ORDER

- 1) I.A No. 205/2018 in C.A (CAA) No. 23/BB/2018 is filed by Applicant Companies, under Rule 32 R/w Rule 11 of the NCLT, Rules 2016 by inter-alia seeking to modify the order passed by the Tribunal on 12th June 2018 in CA (CAA)/23/BB/2018, by mentioning "Mr. B. Hemanth, Practicing Company Secretary instead of Mr. B. Hemanth, Chartered Accountant in Practice from the firm M/s Vasanth & Co".

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- 2) Heard Ms. A. Shreyas, learned Counsel for Applicant Companies.
The learned Counsel submitted that the Applicant actually intended to appoint Mr. B. Hemanth, Practicing Company Secretary or a Chartered Accountant from Vasanth & Co., as a Scrutinizer for convening the meeting of Equity Shareholders, Secured Creditors and Unsecured Creditors of the Applicant No.2 Company, and thus requested for rectification in the order passed by the Tribunal on 12th June 2018.
- 3) We have considered the request of the learned Counsel for Applicant. We are satisfied that the Applicant shows sufficient reason to modify the order passed by the Tribunal on 12th June 2018 in CA(CAA)/23/BB/2018, by mentioning Mr. B. Hemanth, Practicing Company Secretary instead of Mr. B. Hemanth, Chartered Accountant in Practice from the firm M/s Vasanth & Co”.
- 4) In the result, I.A No. 203/2018 in C.A (CAA) No.37/BB/2018 is allowed to the extent that by mentioning Mr. B. Hemanth, Practicing Company Secretary as a Scrutinizer for convening the meeting of Equity Shareholders, Secured Creditors and Unsecured Creditors of the Applicant No.2 Company, in the order dated 12th June 2018, passed by the Tribunal.
- 5) Accordingly, Registry is directed to issue corrigendum also.


(ASHOK KUMAR MISHRA)
MEMBER, TECHNICAL


(RAJESWARA RAO VITTANALA)
MEMBER, JUDICIAL

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