



- 2) Heard Shri N.K. Dilip; Shri M.G Nanjappa & Shri B.S Vivek, learned Counsels for Applicant/Transferee Company, We have considered the pleadings of the Counsels for Applicant/Transferee Company, who contended that, I.A No.255/2018 was filed to amend the Company Application C.A (CAA) No. 50/BB/2018 under Section 230 to 232 of the Companies Act, 2013 to delete and substitute Para (d) of IV as sought out there under, and the reliefs as sought in the instant I.A is related to the same as mentioned in I.A No.255/2018, and wanted to withdraw the instant I.A No.264/2018.
- 3) We have perused the I.A No. 264/2018 in C.A (CAA) No. 50/BB/2018, and the relief as sought by the Applicant are the same contents, as sought for in I.A No. 255/2018 in C.A (CAA) No. 50/BB/2018. Hence, I.A No. 264/2018 in C.A (CAA) No. 50/BB/2018 is hereby dismissed as withdrawn. No order as to costs.

  
**(ASHOK KUMAR MISHRA)**  
**MEMBER, TECHNICAL**

  
**(RAJESWARA RAO VITTANALA)**  
**MEMBER, JUDICIAL**

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

I.A No. 255/2018  
in  
CA (CAA) No. 50/BB/2018  
U/R 11, 32 and 51 of the NCLT Rules, 2016

**In the matter of**

**Coffee Day Resorts (MSM) Private Limited,**

23/2, 9<sup>th</sup> Floor, Vittal Malalya Road,

Bengaluru-560001.

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Applicant/Transferee Company

**Coram:**

1. Hon'ble Shri Rajeswara Rao Vittanala, Member (Judicial)
2. Hon'ble Shri Ashok Kumar Mishra, Member (Technical)

**Date of Order: 7<sup>th</sup> September, 2018**

For the Petitioner(s): Shri N.K. Dilip; Shri M.G Nanjappa &  
Shri B.S Vivek, Advocates.

**ORDER**

Per: **Hon'ble Shri Ashok Kumar Mishra, Member (Technical)**

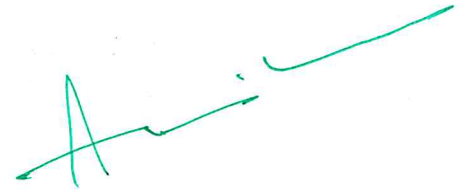
- 1) I.A No. 255/2018 in C.A (CAA) No. 50/BB/2018 is filed by **Coffee Day Resorts (MSM) Private Limited**, Applicant/Transferee Company, Under Rule 11, 32 and 51 of the NCLT Rules, 2016, by inter-alia seeking reliefs to amend the Company Application C.A (CAA) No. 50/BB/2018 filed under Section 230 to 232 of the Companies Act, 2013 by deleting and substitute Para (d) of IV – Reliefs sought of **Form I as follows:**



- a) To appoint Mr. S.V.Ranganath, I.A.S (Retd.) Former Chief Secretary, Government of Karnataka as the Chairperson for the meeting of the unsecured creditors of the Applicant/Transferee Company or to appoint any person as the Chairperson for the meeting of the unsecured creditors of the Applicant/Transferee Company as the Hon'ble Tribunal deems fit;
- b) To appoint Mr. S.V.Ranganath, I.A.S (Retd.) Former Chief Secretary, Government of Karnataka as the Chairperson for the meeting of the shareholders of the Applicant/Transferee Company or to appoint any person as the Chairperson for the meeting of the shareholders of the Applicant/Transferee Company as the Hon'ble Tribunal deems fit;
- c) To appoint Mr. Harshavardhan R. Borrati, Practicing Company Secretary as the Scrutinizer for the meeting of the unsecured creditors of the Applicant/Transferee Company or to appoint any person as the Scrutinizer for the meeting of the unsecured creditors of the Applicant/Transferee Company as the Hon'ble Tribunal deems fit;
- d) To appoint Mr. Harshavardhan R. Borrati, Practicing Company Secretary as the Scrutinizer for the meeting of the shareholders of the Applicant/Transferee Company or to appoint any person as the Scrutinizer for the meeting of the shareholders of the Applicant/Transferee Company as the Hon'ble Tribunal deems fits. Further; **Delete and substitute Para (d) of Form II** as follows:



- i. To appoint Mr. S.V.Ranganath, I.A.S (Retd.) Former Chief Secretary, Government of Karnataka as the Chairperson for the meeting of the unsecured creditors of the Applicant/Transferee Company or to appoint any person as the Chairperson for the meeting of the unsecured creditors of the Applicant/Transferee Company as the Hon'ble Tribunal deems fit;
  - ii. To appoint Mr. S.V.Ranganath, I.A.S (Retd.) Former Chief Secretary, Government of Karnataka as the Chairperson for the meeting of the shareholders of the Applicant/Transferee Company or to appoint any person as the Chairperson for the meeting of the shareholders of the Applicant/Transferee Company as the Hon'ble Tribunal deems fit;
  - iii. To appoint Mr. Harshavardhan R. Borrati, Practicing Company Secretary as the Scrutinizer for the meeting of the unsecured creditors of the Applicant/Transferee Company or to appoint any person as the Scrutinizer for the meeting of the unsecured creditors of the Applicant/Transferee Company as the Hon'ble Tribunal deems fit;
  - iv. To appoint Mr. Harshavardhan R. Borrati, Practicing Company Secretary as the Scrutinizer for the meeting of the shareholders of the Applicant/Transferee Company or to appoint any person as the Scrutinizer for the meeting of the shareholders of the Applicant/Transferee Company as the Hon'ble Tribunal deems fit.
- 2) Heard Shri N.K. Dilip; Shri M.G Nanjappa & Shri B.S Vivek, learned Counsels for Applicant/Transferee Company. We are of the view, the Applicant is entitled to amend the main Company Petition as prayed for in the interest of justice.



- 3) Hence, I.A No. 255/2018 in C.A (CAA) No. 50/BB/2018 is hereby allowed by permitting to amend Company Application. The Applicant/Petitioner is directed to file amended copy in the Registry within a period of 2 (two) weeks from the date of receipt of the order copy.
- 4) Post the case on **18/09/2018**.

  
**(ASHOK KUMAR MISHRA)**  
**MEMBER, TECHNICAL**

  
**(RAJESWARA RAO VITTANALA)**  
**MEMBER, JUDICIAL**

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