

**IN THE NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH**

C.P. (CAA)/1929/MB/2018

In the matter of Companies Act, 2013

And

In the matter of Sections 230 to 232 of the
Companies Act, 2013 and other relevant
provisions of the Companies Act, 2013.

And

In the matter of the Scheme of Amalgamation
between Deccan Alloy Metal Industries Private
Limited (Transferor Company) and Kolhapur
Oxygen & Acetylene Private Limited
(Transferee Company) and their respective
Shareholders and Creditors

**Kolhapur Oxygen & Acetylene)
Private Limited,** company)
incorporated under the provisions of the)
Companies Act, 1956, having its)
registered office situated at Chowgule)
House, Mormugao Harbour, Goa- 403)
803)

) **Petitioner Company
(Transferee Company)**

Order delivered on: 19th of July 2018

Coram: Hon'ble Bhaskara Pantula Mohan,
: Hon'ble V. Nallasenapathy

For the Applicant: Ms. Parita Dave, i/b Crawford Bayley & Co.

Per: V. Nallasenapathy, *Member (T)*

ORDER

1. Petition Admitted.

2. Petition is fixed for final hearing and disposal on August 09, 2018.
3. The Learned Counsel for the Petitioner Company submits that in pursuance of Order of this Hon'ble Tribunal dated March 21, 2018 passed in Company Scheme Application No. 85 of 2018, the meeting of the Equity Shareholders of the Petitioner Company was directed to be convened on May 03, 2018 which was duly held and convened and the Scheme of Amalgamation of Deccan Alloy Metal Industries Private Limited (Transferor Company) and Kolhapur Oxygen & Acetylene Private Limited (Transferee Company) was approved by requisite majority of the shareholders present at the meeting. The Chairman of the said meeting has submitted his report stating the outcome of the meeting in the Chairman's Report annexed as Exhibit "J" to the Company Scheme Petition of the Petitioner Company.
4. The Counsel for the Petitioner Company submits that in pursuance of the Order of this Hon'ble Tribunal dated March 21, 2018 passed in Company Scheme Application No. 85 of 2018, the meeting of Secured Creditor of the Petitioner Company was dispensed off with the averment to send them individual notices with a direction that they may submit their representations, if any, within a period of thirty days from the date of receipt of such notice to the Tribunal.
5. The Counsel for the Petitioner Company submits that in pursuance of the Order of this Hon'ble Tribunal dated March 21, 2018 passed in Company Scheme Application No. 85 of 2018, the meeting of Unsecured Creditors of the Petitioner Company was dispensed off with the averment to send them individual notices with a direction that they may submit their representations, if any, within a period of thirty days from the date of receipt of such notice to the Tribunal.
6. The Counsel for the Petitioner Company further submits that as directed by this Tribunal notices have been served upon all the Regulatory Authorities namely, (i) concerned Income-Tax Authorities within whose jurisdiction the Petitioner Company's assessments are made, (ii) Central Government through the office of Regional Director, Western Region, Mumbai, (iii) Registrar of Companies, Goa, (iv) Official Liquidator, Goa, as per Rule 8 of the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016.
7. The Counsel for the Petitioner Company further submits that the Company Scheme Petition is filed in consonance with Sections 230 to 232 of the Companies Act, 2013 along with the Order passed in Company Scheme Application by this Hon'ble Tribunal.

8. At least 10 clear days before the date fixed for hearing, Petitioner Company to publish the notice of hearing of Petition in two local newspapers viz., "The Navhind Times" in English language and translation thereof in "Gomantak" in Marathi Language, both circulated in Goa, as per Rule 16 of the Companies (Compromises, Arrangements & Amalgamations) Rules, 2016.
9. The Petitioner Company to file an Affidavit of Service regarding the directions given by the Tribunal pertaining to advertisement of notice of hearing and do report to this Tribunal that the direction regarding the issue of advertisement of the notice has been duly complied with before 7 days from the date of final hearing of the petition.

Sd/-

V. Nallasenapathy
Member (T)

Sd/-

Bhaskara Pantula Mohan
Member (J)