

BENCH-I

NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA

Misc. A. No. 801/KB/2018
CA (CAA) No. 539/KB/2018

Present: Hon'ble Member (J), Shri Jinan K.R.

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 31ST AUGUST, 2018, 10:30 A.M.

Name of the Company	Prabhu Poly Color Ltd. & Ors.		
Under Section	230-232		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date
1.	Auth. yea (Pcs) CP No - 14482	Pcs	Auth. 31/08/18

ORDER

The Ld. Counsel Pr. CS for applicant is present.

Misc. A.No.801/KB/2018 seen filed by applicant in CA(CAA)No.539/KB/2018 for setting aside the order dated 24/07/2018. Vide order dated 24/07/2018, this Tribunal dismissed the CA(CAA)No.539/KB/2018 for non-prosecution. It is submitted by the applicant that the applicant taken note of the posting date of the case on 07/08/2018 from notice board published by this Tribunal. However, the case was listed not on 07/08/2018 but on 17/07/2018. For the said reason, applicant could not appear. Being satisfied with the reason highlighted and supporting affidavit, it appears to me that application is to be allowed. Accordingly, Misc. A. No.801/KB/2018 is allowed and order of dismissal dated 24/07/2018 of

P.T.O

CA(CAA)No.539/KB/2018 is set aside. CA(CAA)No.539/KB/2018 is restored to the file.

CA(CAA)No.539/KB/2018 seen filed praying for amalgamation as well as for reduction of share capital of transferee companies. However, no Court fee for the relief sought for reduction of share capital seen paid. The deficit Court fee payable is Rs. 5000/- (Rupees Five Thousand Only) to be paid within one week. Subject to payment of Court fee, issue notice as follows:-

Petitioner has filed this petition under Section 66 of the Companies Act, 2013 for reduction of share capital.

As per Rule 3 of the National Company Law Tribunal (Procedure for Reduction of Share Capital of Company) Rules, 2016 notices are to be given within 15 days from today to-

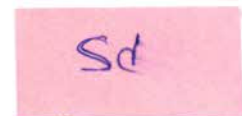
- 1) The Central Government through the Regional Director, Eastern Region, Ministry of Corporate Affairs and the Registrar of Companies, West Bengal as well as Securities and Exchange Board of India in **Form No. RSC- 2**.
- 2) The creditors of the company – both secured and unsecured in **Form No. RSC- 3**.

seeking their representations and objections, if any.

Petitioner is also directed to publish notice in newspapers once in "Business Standard", English daily and once in "Ajkal" Bengali daily as well as uploading the notice on the website of the company seeking objections from the creditors and intimating about the date of hearing in **Form No. RSC-4** within 7 days from the date of the order and file affidavit of compliance in **Form No. RSC -5** confirming the despatch and publication of notice.

Representation, if any, u/s. 66(2) of the Companies Act, 2013 be filed within **three months** form the date of publication.

List it for further consideration on 26/10/2018.



(Jinan K.R.)
Member (J)