

IN THE NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH (COURT - II)

Item No.201
(CAA)-62/ND/2021

IN THE MATTER OF:

M/s.Ritesh Spinning Mills And M/s.Ritesh ... Applicant/Petitioner
Properties and Industries

Under Section: 230-232

Order delivered on 28.07.2021

CORAM:

SHRI. ABNI RANJAN KUMAR SINHA,
HON'BLE MEMBER (J)

SHRI. L. N. GUPTA,
HON'BLE MEMBER (T)

PRESENT: For IRP - Mr. Abhishek Anand, Adv. with Mr. Tanveer Oberoi. Adv., Adv. Hemlata Rawat for OL, Tushar Gupta, Standing Counsel, ITD, Sunil Agarwal, Snr Standing Counsel with Tushar Gupta, Junior Standing Counsel for Income Tax Department, Ritesh properties, Advocate Satwinder Singh, for the Petitioner Companies, Adv. Shankari Mishra for RD, Adv. Priyadarshini Dewas for RD

ORDER

In the course of hearing, we notice that the RD in para 11 and 12 of its report has referred to an enquiry under Section 234(3A) of the Company Act 1956 against the Transferee Company and on the basis of that, the RP further submitted that no prosecution has been filed against the Transferee Company and the violation as pointed out against the Transferee Company, remains in existence even after post amalgamation and it would not affect proposed claim of amalgamation.

Ld. Counsel appearing for the RD seeks adjournment to obtain clarification in regards to the ambiguity in averments made in para 11 and 12. The RD is directed to file a clear NOC or comments, if any.

List the matter on 06.08.2021.

- Sed -

(L.N. GUPTA)
MEMBER (T)

- Sed -

(ABNI RANJAN KUMAR SINHA)
MEMBER (J)