

**IN THE NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA**

**Appeal No. 1043/KB/2020**

In the matter of:

An application under Section 58 - 59 of the Companies Act, 2013 read with Rule 11 of the NCLT Rules, 2016.

In the matter of:

Dalhousie Holdings Limited

...

Petitioner

Versus

Berger Paints India Ltd & Ors

...

Respondents

And

Date of hearing: 30.06.2021

Date of pronouncement: 15.07.2021

*Coram:*

Shri Rajasekhar V.K.

:

Member (Judicial)

Shri Harish Chander Suri

:

Member (Technical)

**Counsel appeared through video conferencing:**

For the appellant

: Mr. Joy Saha, Sr. Advocate

Ms. Niharika Ahluwalia, Advocate

Mr. Debraj Sahu, Advocate

Ms. Sneha Kohli, Advocate

For respondent No. 1 and 2 : Mr. Anirban Ray, Advocate

Mr. Snehashis Sen, Advocate

Mr. Abhishek Banerjee, Advocate

**ORDER**

**Per Rajasekhar V.K., Member (Judicial)**

1. This is an appeal filed by Dalhousie Holdings Limited (CIN U67120WB1946PLC013285), against Berger Paints India Limited (CIN L51434WB1923PLC004793) & Ors seeking a direction to the Respondent Nos. 1 & 2 to record the transfer of the impugned shares being 3960 shares of Rs. 10 Face Value each (including all further corporate entitlements) presently being 2,66,112 shares of Rs. 1/- Face Value each held under Folio No. 35004 of Berger Paints India Limited in the name of the Petitioner, Dalhousie Holdings Limited and to record the name of the Petitioner, Dalhousie Holdings Limited on the new share certificates; and to pass an order directing the Respondent No. 1 to rectify its register of members and record the name of the Petitioner in its Register for 3960 shares (along with all corporate entitlements thereto) held under Folio No. 35004 of Berger Paints India Limited.
2. The matter was last heard on 13.04.2021 wherein this Tribunal had ordered publication of advertisements in the 'Business Standard' in English and 'Ananda Bazar Patrika' in Bengali Newspapers in terms of clause 3 of SEBI's Circular No. SEBI/HO/MIRSD/DOS3/CIR/P/ 2018/139 dated 06.11.2018. This was done with a view to inviting objections, if any, in regard to the proposed transfer. Objections were invited within 30 days.
3. The Ld. Sr. Counsel appearing for the appellant submits that in response to the said advertisements, no objection has been received either from regulatory authorities or from any other persons whatsoever.

4. Mr. Anirban Ray, Ld. Counsel appearing for the respondents submits that respondent No. 1 has no objection to comply with any direction that may be given by this Tribunal in this regard.
5. Since no objections have been received from any of the quarter and there is no other circumstances that militate against grant of approval requested for, the appeal is hereby allowed and there shall be an order in terms of prayer clause (a), (b) & (c) of the appeal.
6. **Appeal No. 1043/KB/2020** shall stand disposed of with the aforesaid directions.
7. Certified Copy of this order may be issued, if applied for, upon compliance with all requisite formalities.

**Harish Chander Suri**  
**Member (Technical)**

**Rajasekhar V.K.**  
**Member (Judicial)**

Order signed on 15<sup>th</sup> July, 2021.

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