

**NATIONAL COMPANY LAW TRIBUNAL  
CHANDIGARH BENCH, CHANDIGARH**

**CA No. 53/2018  
IN  
CP (CAA) NO. 09/Chd/Hry/2017**

**Section 230 read with Section 232  
and other applicable provisions  
of the Companies Act, 2013**

In the matter of scheme of arrangement between:

Quattro Global Services Private Limited,  
having its registered office at Plot No. 264,  
Sector 22, Gurgaon-122015, Haryana ...Petitioner-company-1.

And

Quattro Mortgage Solutions Private Limited,  
having its registered office at Plot No. 160,  
Udyog Vihar Phase-1, Gurgaon-122001,  
Haryana ...Petitioner-company-2.

And

Quattro Mortgage Services Private Limited,  
having its registered office at H-202, Park  
View City-1, Sohna Road, Gurgaon-122018,  
Haryana ...Petitioner-company-3.

**Judgement delivered on: 16.04.2018**

**Coram: Hon'ble Mr. Justice R.P. Nagrath, Member (Judicial)  
Hon'ble Mr. Pradeep R. Sethi, Member (Technical)**

For the petitioners : Mr. Atul V. Sood, Advocate

For Registrar of Companies, : Mr. M.S. Pachouri, Registrar of  
NCT of Delhi & Haryana. Companies, Punjab & Chandigarh.

**Per: R.P. NAGRATH, MEMBER (JUDICIAL)**

**JUDGEMENT (Oral)**

CA No. 53 of 2018.

Learned counsel for the applicants handed over affidavit of service showing that in compliance with the order dated 06.04.2018, the notice of this application was served on the Registrar of Companies, NCT of Delhi and Haryana.

2. The Scheme of arrangement between the companies was allowed by this Tribunal vide order dated 30.11.2017. The relevant direction for disposal of this application is direction No. (vii) of para No. 34 which reads as follows:-

*“The petitioner companies do, within 30 days after the date of receipt of this order, cause a certified copy of this order to be delivered to the Registrar of Companies for registration and the Registrar of Companies shall enter on record of P-3 company, all the Assets of the consolidated demerged unit from P-1 company.”*

It is stated that the petitioner companies filed Form No. INC-28 along with copy of the order dated 30.11.2017 and Form No. CAA 7, with the Registrar of Companies. However, the same was not accepted by the Registrar of Companies, NCT of Delhi and Haryana on the ground that filing was not done within the prescribed period of 30 days and, therefore, delay is required to be condoned in this case.

3. We have heard the learned counsel for the petitioner-companies and Registrar of Companies, Punjab & Chandigarh

representing the Registrar of Companies, NCT of Delhi and Haryana, and perused the record.

4. The order was passed by this Tribunal on 30.11.2017 with the direction that the petitioner-companies do, within 30 days after the receipt of the order, cause a certified copy of the order to be delivered to the Registrar of Companies. Learned counsel for the applicant-companies states that Schedule of Assets as contemplated by Form No. CAA 7 as per Companies (Compromises, Arrangements and Amalgamation) Rules, 2016 was filed in the Registry on 22.12.2017, and thereafter certified copy of the order and order in Form CAA 7 was supplied to the petitioner-companies on 10.01.2018. According to the learned counsel, Form No. INC-28 could have been filed up to 09.01.2018 i.e. within 30 days from 10.01.2018 and that Form No. INC-28 was filed within time on 06.02.2018. However, the Registrar of Companies has taken 22.12.2017 as the date from which the period of 30 days for filing of Form INC-28 is to be counted and therefore, concluded that the filing was not within the prescribed period. Mr. M.S. Pachouri, Registrar of Companies Punjab and Chandigarh on behalf of Registrar of Companies, NCT of Delhi and Haryana, New Delhi has no objection to the grant of permission for condonation of delay.

5. Having heard the learned counsel for the petitioner-companies and the Registrar of Companies, Punjab and Chandigarh representing the Registrar of Companies, NCT of Delhi and Haryana, we

find sufficient ground to condone the delay, if any, in filing Form No. INC-28 with the Registrar of Companies, NCT of Delhi and Haryana. Accordingly, prayer made in the application is allowed and the delay in filing Form No. INC-28 with the Registrar of Companies is condoned. Copy of this order be supplied to the learned counsel for the petitioner-companies and Registrar of Companies, NCT of Delhi and Haryana. With this, CA No. 53/2018 stands disposed of.

Sd/-  
(Pradeep R. Sethi)  
Member (Technical)

Sd/-  
(Justice R.P.Nagrath)  
Member (Judicial)

April 16, 2018  
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