

BENCH-I

NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA

C.P(CAA) No.630/KB/2017

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

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 08th December 2017, 10.30 A.M

Name of the Company	Blue Circle merchants Pvt Ltd & Ors		
Under Section	230-232		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

1. Mr. Shaunak Mitra, Adv. } Adreeka Pandey
2. Ms. Adreeka Pandey, Adv. } 8.12.17
- For applicants.

ORDER

Ld. Counsel for the petitioners is present.

Petitioners have filed this C.P.No. 630/KB/2017 u/s. 230 - 232 of the Companies Act, 2013 for sanctioning of the Scheme of Arrangement and Amalgamation between the petitioner companies and their respective shareholders which came up for hearing today.

Heard. Admit.

From the records it appears that by the order dated 19/07/2017 passed in C.A. (CAA) No. 109/KB/2017 and subsequent amendment order dated 24/08/2017 directions for holding meetings of equity shareholders of all the

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petitioner companies and dispensation of the meetings of the secured and unsecured creditors of the petitioner companies was granted.

In compliance of the directions given vide orders dated 19/07/2017 and 24/08/2017 meetings were held on 09/10/2017 and the Chairperson appointed by the Tribunal has also filed her reports dated 10/10/2017.

On perusal of the records it appears that petitioners have not filed the Vakalatnama, latest financial position as on 31/03/2017 and certificate in respect of accounting standards prescribed u/s 133 of the Companies Act, 2013 in respect of all the petitioner companies.

Petitioners are directed to file supplementary affidavit annexing those documents within 7 days from today.

However, in the mean time let notice be served as per requirements of sub-Section (5) of Section 230 of the Companies Act, 2013 alongwith all the documents including a copy of the Scheme and the Statement disclosing necessary details on the Central Government, through the Regional Director, Eastern Region, Ministry of Corporate Affairs, Kolkata, Registrar of Companies, West Bengal and Income Tax Department, i.e., Chief Commissioner of Income Tax and Assessing Authority, mentioning **PAN Numbers** of all the petitioner companies as also the Official Liquidator having jurisdiction over the transferor and transferee companies and such other relevant sectoral regulators / authorities, if applicable,

which are likely to be affected by the proposed scheme, by sending the same by hand delivery through special messenger or by registered post or speed post within 7 days from the date of this order for filing their representation, if any, within 30 days from the date of notice. The petitioner is to file affidavit within 7 days regarding service of notice. The petitioner is further directed to send notice through e-mail also and filed copies of the mails along with an affidavit. The notice shall specify that representation, if any, should be filed before this Tribunal within 30 days of the date of receipt of the notice with a copy of such representation being sent simultaneously to the applicants and/or their advocates. If no such representation is received by the Tribunal within the said period, it shall be presumed that such authorities have no representation to make on the Scheme of Amalgamation. Such notice shall be sent pursuant to Section 230(5) of the Companies Act, 2013 in Form No. CAA.3 of the Companies (Compromises, Arrangements & Amalgamation) Rules, 2016 with necessary variations incorporating the directions therein.

Let advertisement of the hearing of the petition be published once in English Daily "Business Standard" and once in local Vernacular Daily "Dainik Statesman" at least 10 days before the date fixed for hearing pursuant to Form No. NCLT 3A of the National Company Law Tribunal Rules, 2016, with necessary variations.

The petition is fixed for hearing on **16/02/2018**.

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Certified copy of the order may be issued, if applied
for, upon compliance of all requisite formalities.

Sd

(Jinan K.R.)
Member (J)