

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH

CP No.03/2017

Under section 14(1) of CA 2013

In the matter of

Basant Securities Limited,  
506, Unique Tower,  
Gaiwadi Industrial Estate,  
Off. S. V. Road, Goregaon (West)  
Mumbai – 400 062.

...Petitioner

Order delivered on 16.10.2017

Coram:

Hon'ble Mr. B.S.V. Prakash Kumar, Member (Judicial)

Hon'ble Mr. V. Nallasenapathy, Member (Technical)

For the Petitioner: Mr. Shivhari Jalan, Practicing Company Secretary.

Per: V. Nallasenapathy, Member (Technical)

**ORDER**

This Applicant company has filed this Company Petition for converting Public Limited Company into Private Limited Company on the ground that the Shareholders in this company are 7 only and there is no need for funding from capital market and in the interest of shareholders and stakeholders, the Applicant Company sought for approval of its Special Resolution passed by the company for such conversion as prescribed under Rules of NCLT.

2. On perusal of the Application, it appears that Board meeting was held on 10.8.2016, in pursuance thereof, Annual General Meeting was held on 28.9.2016 for approval of Resolution for conversion of the applicant Company into Private Limited Company setting out the reasons for conversion of the Company limited by shares having its Registered Office within the State of Maharashtra.
3. The Applicant Company has attached the list of Creditors drawn up on 30.11.2016 ie. within two months before filing this Company Petition providing the names and addresses of every Creditor mentioning the respective amounts due to them, apart from this, two directors filed an Affidavit declaring that as on 30.11.2016, a sum of Rs.66,13,447 as disclosed in the list of creditors is due by the Company to the creditors.
4. The Applicant Company advertised the Application in accordance with Rule 35 of NCLT Rules by serving individual notices upon the Creditors, Central Government and Registrar of Companies.
5. For there being no objection from any of the Creditors or Members of the company for conversion of this Public Limited Company into Private Limited Company and this Bench having not found any of the circumstances of this case ultra-virus to the provisions of the Act and in violations of the Rules prescribed to disallow the conversion of this Company, this Application is hereby allowed.

Sd/-

V. NALLASENAPATHY  
Member(Technical)

Sd/-

B. S. V. PRAKASH KUMAR  
Member (Judicial)