

NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH
NEW DELHI

CORAM:
Present- Sh. S.K MOHAPATRA
Hon'ble Member(T)

C.P.No. (CAA)-392(ND)2017
SMT.INA MALHOTRA
Hon'ble Member (J)

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NEW DELHI BENCH OF
THE NATIONAL COMPANY LAW TRIBUNAL ON 09.11.2017**

NAME OF THE COMPANY: In the matter of Amalgamation

KSA CORPORATE ADVISORS PRIVATE LIMITED (Transferor Company No.1)

AND

KSA INFRASTRUCTURE PRIVATE LIMITED (Transferor Company No.2)

AND

UPSIDE FOODS PRIVATE LIMITED (Transferor Company No.3)

AND

HELWELL FOODS PRIVATE LIMITED (Transferor Company No.4)

WITH

REINA INDUSTRIES PRIVATE LIMITED (Transferee Company/ Applicant No. 5)

SECTION OF THE COMPANIES ACT: 230-232

S.NO.	NAME	DESIGNATION	REPRESENTATION	SIGNATURE
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Present: Counsel for Petitioner.

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ORDER

PER INA MALHOTRA (MEMBER JUDICIAL)

1. This petition by way of Second Motion is admitted and fixed for hearing and final disposal on 11th January 2018.
2. Learned Counsel for the Petitioner Company submits that in terms of Order dated 24th October, 2017 passed by this Tribunal in Company Application No. CAA-215 (ND) 2017, the meeting of the all Equity Shareholders and Unsecured Creditors of the applicant companies for the proposed Scheme of Amalgamation between the KSA Corporate Advisors Private Limited (Transferor Company No.1) AND KSA Infrastructure Private Limited (Transferor Company No.2) AND Upside Foods Private Limited (Transferor Company No.3) AND Helwell Foods Private Limited (Transferor Company No.4) WITH Reina Industries Private limited (Transferee Company/ Applicant No. 5) had been dispensed with in view of the consent affidavits of the Unsecured Creditors and the shareholders of applicant companies being placed on record. Applicants Company 1-4 did not have any secured creditors, therefore the requirement for dispensation of their meeting did not arise, while Applicant No. 5 had only one Secured Creditor whose consent affidavit was duly obtained.
3. It is therefore now directed that the notice of the hearing fixed for 11th January, 2018 shall be advertised in the newspapers namely, English and Hindi edition of "The Business Standard" having circulation in Delhi not less than 10 days before the aforesaid date fixed for hearing.

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4. In addition to the above public notice, both the applicant companies shall individually serve the notice of the Petition on the following Authorities namely, (a) Central Government through Regional Director (Northern region), Ministry of Corporate Affairs (b) Registrar of Companies, NCT of Delhi & Haryana, Ministry of Corporate Affairs (c) the Income Tax Department, (d) Official Liquidator and to such other Sectoral Regulatory Authorities who may govern the working of the respective Companies involved in the Scheme at least 30 days before the date fixed for hearing of the above Petition.
5. Both the applicants, shall at least 7 days before the date of hearing of the petition file an affidavit of service in relation to paper publication effected as well as service of notices on the Authorities specified above including the Sectoral Regulator.
6. Objections, if any, to the Scheme contemplated by the authorities to whom notices have been given on or before the date of hearing fixed herein may be filed, failing which it will be considered that there is no objection to the approval of the Scheme on the part of the authorities by this Tribunal and subject to other condition being satisfied as may be applicable under the Companies Act, 2013 and relevant rules framed there under.

Sd/-

(S.K Mohapatra)
Member Technical

Sd/-

(Ina Malhotra)
Member Judicial