

BENCH-I

NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA

C.P.(CAA) No. 384/KB/2017

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

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING ON 19th December 2017, 10.30 A.M

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

1. LAFMI DHAR SAHOO
ADVOCATE
Modern mining
(P) Ltd
& others.
19/12/17

2. TIAINLA
Dy Director
O/o RD (ER)
Ministry of Corporate
Affairs, GOI
19.12.17

ORDER

Ld. Counsel for the petitioner and Ms. Tiainla, Dy. Director from the O/o the Regional Director, Eastern Region, Ministry of Corporate Affairs, Kolkata representing the Central Government are present.

Central Government has filed reply wherein certain objections has been raised against the proposed scheme. Petitioner is directed to comply with the objections raised by the Central Government. Petitioner has informed that he has submitted the reply in connection with the objection raised by

the Central Government. Central Government is directed to file supplementary affidavit within 30 days from today.

Report of the Official Liquidator attached to Hon'ble Odisha High Court has been filed. In the report it was stated that as per usual practice we used to take assistance of any Chartered Accountant at the cost of the petitioner company to scrutinise company's account and to comment regarding conduct of the transferor company towards the interest of its members or to public interest. In the absence of any direction in this regard this office prima facie scrutinised last 3 years balance sheets filed by the above named transferor company and it appears that the auditors have not qualified and made any adverse remark in his audit report specially regarding the conduct of the company.

Official Liquidator has himself stated as usual practice engage a Chartered Accountant for examination of the company's balance sheet and for want of specific directions from the Court he could not engage any Chartered Accountant for examining the accounts of the company.

In view of the submissions of the Official Liquidator we passed an order that Chartered Accountant may be engaged but the cost is to be borne by the applicant company. The Official Liquidator is to appoint a Chartered Accountant and get the account examined by the Chartered Accountant and submit the report within 30 days. Petitioner is directed to serve the copy of the order on the Official Liquidator, Odisha.

The Official Liquidator attached to the Hon'ble Calcutta High Court has not filed his report regarding the applicant Nos. 5 and 6, the transferor company. Therefore, the Official

Liquidator, Kolkata High Court is directed to submit his report regarding applicant nos. 5 and 6 within 30 days from today.

Certified copy of this order may be served on the Official Liquidator, Kolkata and Odisha.

List it on 06/02/2018.

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



Jd

(Jinan K.R.)
Member (J)



V.P. Singh

(V.P.Singh)
Member (J)