

ATTENDANCE-CUM-ORDER SHEET OF HEARING

NATIONAL COMPANY LAW TRIBUNAL
GUWAHATI BENCH

C.P.No.09/14(1)/GB/2017

Auto Impex Ltd.

... Petitioner

Present : Hon'ble Mr. Justice P K Saikia, Member(J)

Date of Order: 22nd March 2017

Name of the Company	Auto Impex Ltd.		
Under Section	14(1)		
Sl. No.	Name & Designation of Authorized Representative (IN CAPITAL LETTERS)	Appearing on behalf of	Signature with date

ORDER

Ms S. Tejawat, PCA is present on behalf of the petitioner company.

This is a petition filed under Section 14 of the Companies Act, 2013 seeking following reliefs:

- a) the alteration of Memorandum of Association and Articles of Association of the company to be effected by the Special Resolution set out in paragraph 6 (a) above and passed at the Extraordinary General Meeting held on 30th December, 2016 for change of status of the Company from Public Company to Private Company.
- b) Such further order or orders be made or other directions be given affording necessary relief to the petitioner as in the premises of the National Company Law Tribunal, Guwahati Bench may deem fit and proper."

2. It is stated that the petitioner company, namely, Auto Impex Ltd. was incorporated as a Public Limited Company on 26.03.1985 vide CIN



U51909AS1985PLC002334 issued by the Registrar of Companies, Shillong (for short, ROC).

3. The company is limited by shares. Its authorized Share Capital is Rs.15,20,00,000/- divided into 1,52,00,000/- equity shares of Rs.10/- each. As on 31.03.2016, the paid up share capital of the company is Rs.15,18,50,000/- divided into 1,51,85,000 equity shares of Rs.10/- each.

4. It is further stated that the company is an unlisted one and, presently, the company is engaged in trading of real estate property.

5. It is stated that on 30.12.2016, a resolution was adopted seeking its conversion from public company to private company. In that connection, the present petition has filed in appropriate form seeking the reliefs claimed.

6. I have heard Ms S. Tejawat, PCA appearing for the petitioner. I have also perused the petition and found that the petition has been filed in accordance with the prescription of law more particularly Rule 68 of the NCLT Rules 2016.

7. In view of the above, the petitioner is directed that the petition be advertised in Form NCLT-3A not less than 14 days ahead of the date fixed for hearing at least once in vernacular language (Assamese) newspaper and once in English language in an English newspaper circulating in the District of Kamrup (Rural).

8. The advertisement shall contain the date on which the petition was presented, the name and address of the petitioner and his authorised representative, if any, the nature and substance of the petition and the date fixed for hearing. Further, the advertisement shall contain a statement to the effect that any person whose interest is likely to be affected by the proposed petition or who intends either to oppose or support the petition at the hearing shall send a notice of his intention to this Bench and the petitioner or his authorized representative, if any, indicating the nature of interest and grounds of opposition so as to reach this Bench not less than 2 days ahead of the date fixed for hearing.

9. The petitioner is further directed to file an affidavit before this court not less than 3 days before the date fixed for hearing, stating that the petition has been advertised in accordance with the rules and that notices have been duly served on the persons required to be served.

10. The petitioner shall serve by Registered Post with Acknowledgement Due, individual notice in Form NCLT 3B to the effect set out in Rule 35 on each debenture-holder and creditor of the company, together with the copy of the petition to the Central Government, Registrar of Companies and to the Securities and Exchange Board of India.

11. List this matter on 24.04.2017 as first item.



Member (Judicial)
National Company Law Tribunal,
Guwahati Bench,
Guwahati.

nkm