

In the National Company Law Tribunal
Kolkata Bench,
Kolkata

Coram :

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

CA No. 307/KB/2017 in CP No.142 of 2016
connected with CA No.12/2016

In the matter of :

The Companies Act 1956;

-And-

In the matter of :

An application under Sections 391(2) and 394 of the said Act;

-And-

In the matter of :

Amigo Trexim Private Limited, a company incorporated under the provisions of the Companies Act 1956 having its Registered Office at 2C, Mahendra Road, Kolkata – 700 091, West Bengal within the aforesaid jurisdiction;

-And-

In the matter of :

Deepsikha Tie-Up Private Limited a company incorporated under the provisions of the Companies Act 1956 having its registered office at 2C, Mahendra Road, Kolkata – 700 091, West Bengal within the aforesaid jurisdiction;

-And-

In the matter of:

Amigo Trexim Private Limited

..... **Applicant**

Counsel on Record :

1. Mrs. Manju Bhuteria, Advocate } For the Applicant

Date of Pronouncing the order : 31.08.2017

ORDER**Per Shri Jinan K.R., Member(J):**

This is an application under Section 391(2) and Section 394 of the Companies Act 1956 praying for dissolution without winding up of the Deepsikha Tie-up Private Limited, the Transferor Company with Amigo Trexim Private Limited, the "Transferee Company" (hereinafter referred to as the Applicant).

It is seen from the records that on 17.05.2016, the Hon'ble High Court at Calcutta has passed an order sanctioning the scheme of amalgamation of Deepsikha Tie-Up Private Limited, the Transferor Company with Amigo Trexim Private Limited, the Applicant Company.

Hon'ble High Court at Calcutta on the basis of the observations of the Central Government in para 2(a) of the affidavit filed by them in respect of the sanction of the said scheme that **the authorised share capital of the said transferee company, i.e. Amigo Trexim Private Ltd. is not sufficient to enable them to allot shares to the members of the said transferor company, the transferee company was directed to increase its authorised share capital by making compliance** of the relevant provisions of the Companies Act, 2013 to enable it to allot shares to the members of the said transferor company. This Tribunal vide order dated 7th August, 2017 directed the petitioner to file supplementary affidavit within 7 days complying the directions of the Hon'ble High Court at Calcutta

From the records, it is found that till date the Applicant/Petitioner has not complied with the above direction. **Accordingly, the Applicant company is again directed to file supplementary affidavit complying**

with the observations made in the affidavit of the Regional Director and also the Tribunal.

List the matter on 08.09.2017 for further hearing.

Sd/-
(Vijai Pratap Singh)
Member (Judicial)

Sd/-
(Jinan K.R.)
Member (Judicial)

Dated this, the 31st day of August, 2017