

IN THE NATIONAL COMPANY LAW TRIBUNAL, NEW DELHI
PRINCIPAL BENCH

(CAA)-241(PB)/2017

IN THE MATTER OF:

Mooncity Distributors Pvt. Ltd.

.....Petitioner

v.

Swadesh Civil Infrastructure Pvt. Ltd.

.....Respondent

SECTION : UNDER SECTION 230-232

Order delivered on 07.09.2017

Coram:

CHIEF JUSTICE M.M. KUMAR

Hon'ble President

Deepa Krishan

Hon'ble Member (T)

For the Petitioner(s) : Mr. Rajeev K. Goel, Advocate

For the Respondent(s) :

ORDER

It is conceded position that the total value of votes cast by the unsecured creditors is 73.45% in the meeting of Transferee company namely Swadeshi Civil Infrastructure Private Limited. According to Section 230 (6) of the Companies Act, 2013 the value of voting required is three-fourths of the total value. However, learned counsel for the petitioner banking upon the old Section 391 and the proforma attached with the Rules, has argued that three-fourths of the present and voting is considered to be sufficient and in the present case the present and voting is 100%. We have earlier passed the judgment taking a view

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contd.

contrary to the arguments advanced on behalf of the petitioner. Learned counsel for the petitioner requests for some time to check up the order passed by us and other Benches of the NCLT and then address arguments.

List for further consideration on 14.09.2017.

— sd/ —

(CHIEF JUSTICE M.M. KUMAR)
PRESIDENT

sd/—

(DEEPA KRISHAN)
(MEMBER TECHNICAL)

07.09.2017
Vineet