

**National Company Law Tribunal
Guwahati Bench**

T.P. No.28/391(1)/394/GB/2016
(Company Petition No.03 of 2016)

1. Trisita Services Pvt. Ltd.
2. Trisita Marketing Pvt. Ltd.

..... Petitioners

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

Mr. A. Nath, Advocate

... for the petitioners

Date of order: 8th February 2017

ORDER

Heard Mr. A. Nath, Advocate, learned Counsel for the petitioners above named.

2. This proceeding is for the confirmation of the Scheme of Amalgamation in Form No.40 of Companies (Court) Rules, 1959. The petition was originally filed before the Hon'ble Gauhati High Court for taking action under the Companies Act, 1956. On receipt of the company petition, the Hon'ble High Court, vide order dated 02.03.2016 rendered in Co.Pet.3/2016, has ordered issuance of advertisement in two newspapers and also directed notice to be served on the Central Government through the Regional Director, Company Law Board, North Eastern Region, Shillong with about 28 days ahead of hearing of the petition. For ready reference, said order is reproduced below:

"Heard Mr A. Nath, learned counsel for the petitioner.

Perused the petition for confirmation of scheme of amalgamation in form No.40 of the Companies (Court) Rules, 1959.

Let this petition be fixed for hearing on 20.04.2016.

Let notice of hearing be advertised in "the Statesman" and in the "Dainik Statesman", Kolkata, not less than 14 (fourteen) days before the date fixed for hearing.

Let notice of the petition be served to the Central Government through the

Regional Director, Company Law Board, North Eastern Region, Shillong and to be served not less than 28 clear days before the date fixed for hearing. The case be posted for hearing on 20.04.2016."

3. However, thereafter, the old Companies Act stood repealed and the new Act came into effect. In view of Notification dated 07.12.2016, the said proceeding along with other similar proceeding were transferred to the National Company Law Tribunal to be disposed of in accordance with the provisions of Section 230-232 and Rules framed thereunder. The petitioners have filed an affidavit stating that direction rendered in order dated 02.03.2016 was complied with.

4. It seems from the order dated 06.12.2016 rendered by the Hon'ble High Court in Co.Pet.No.3/2016 that Mr S.C. Keyal, learned Standing Counsel for ROC was to appear before the court representing the Central Government for giving his view in regard to prayer made in the company petition. But record reveals that till date Mr S.C. Keyal did not appear to inform this court whether they have any objection regarding confirmation of the scheme under consideration in this proceeding. For ready reference, order dated 06.12.2016 is also reproduced below:

"Heard Mr A. Nath learned counsel appearing for the petitioner. Also heard Ms P. Barua, Advocate appears on behalf of Mr S.C. Keyal, learned standing counsel for ROC.

Ms P. Barua, learned counsel submits that she is going to file and affidavit day today on behalf of Regional Director.

In view of the submissions so made, let the matter be fixed in the first week of January, 2017.

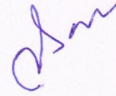
Liberty is granted to the petitioner to file reply if he deem fit and necessary on receipt of the affidavit filed by the Regional Director.

The office is directed to reflect the name of Mr S.C. Keyal, as the learned standing counsel for ROC in the cause-list of the next date fixed."

5. In view of the above, Mr S.C. Keyal is requested to appear before this court on the next date without fail. Otherwise, it will be presumed that the Central Government/ ROC has no objection for confirmation of the Amalgamation Scheme.

6. List this matter on 28.02.2017.

7. A copy of this order be sent to Mr S.C. Keyal, learned Standing Counsel
for the Central Government.



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

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