

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA

CORAM

Shri Vijai Pratap Singh
Hon'ble Member (J)

Shri S. Vijayaraghvan
Hon'ble Member (T)

T.P. No. 144 of 2017 connected with C. P. No. 1052 of 2016

In the matter of:

The Companies Act, 1956 (or reenactment thereof upon
effectiveness of the Companies Act, 2013;

-And-

In the matter of:

Section 391 to 394 of the said Act;

-And-

In the Matter of :

Karam Chand Thapar & Bros(Coal Sales) Limited, a Company
incorporated under the provisions of the Companies Act VII of 1913,
and having its registered Office at Thapar House, 25 Brabourne Road,
Kolkata-700001 within the jurisdiction aforesaid;

-And-

In the Matter of :

Ecoedifice Realtors Private Limited, a Company incorporated
under the provisions of the Companies Act, 1956, and having its
registered Office at Thapar House, 25 Brabourne Road, Kolkata-
700001 within the jurisdiction aforesaid;

-And-

In the matter of:

Indian City Properties Limited, a Company incorporated under
the provisions of the Companies Act VII of 1913, and having its
registered Office at Thapar House, 25 Brabourne Road, Kolkata-
700001 within the jurisdiction aforesaid;

-And-

In the matter of :

Honeybird Realcon Private Limited, a Company incorporated
under the provisions of the Companies Act, 1956, and having its

2

registered Office at Thapar House, 25 Brabourne Road, Kolkata-700001 within the jurisdiction aforesaid;

-And-

In the matter of :

1. Karam Chand Thapar & Bros(Coal Sales) Limited
2. Ecoedifice Realtors Private Limited
3. Indian City Properties Limited
4. Honeybird Realcon Private Limited

...Petitioners

Counsels on Record:

- | | |
|--|---|
| 1. Mrs. Manju Bhuteria, Advocate | } For the petitioners |
| 2. Mr. Sanjeev Bajoria, Advocate | |
| 3. <i>Mr. Kanakendu Chatterjee, Adv.</i> | |
| 1. Mr. Sanjay Yadav | } Deputy Director, E. Region,
Ministry of Corporate Affairs, Kolkata |

Date of Pronouncing the Order : 17-5-17

ORDER

Per Shri Pratap Singh, Member (J)

This is an application for sanctioning the scheme and on hearing the Ld. Counsel appearing for the petitioners, it appears after scrutiny that the petitioners have not furnished the following documents at the time of filing the above application.

- 1) The petitioner companies shall individually comply with the proviso to sub-section (3) of section 232 of the Companies Act, 2013 as may be applicable under the circumstances before the date fixed for hearing by filing a certificate from Company's Auditor.
- 2) A certificate is required from the petitioners to the effect that the accounting treatment, if any, proposed in the scheme of amalgamation/ arrangement is in conformity with the Accounting Standards prescribed under section 133.

21



- 3) Reports from Directors of merging companies explaining the effect of Compromise/Arrangement as per section 230(2) read with Rule 6 of Companies (Compromises, Arrangements and Amalgamation) Rules, 2016.
- 4) Board Resolution regarding approval of scheme of Arrangement/ Demerger;
- 5) Valuation Report of Chartered Accountant;
- 6) Vakalatnama alongwith Authorisation from B.O.D. of petitioner companies/ Power of Attorney for filing the instant application before the N.C.L.T. as per NCLT format.

The petitioners are directed to file Supplementary Affidavit annexing the above-mentioned documents.

The matter be listed on 17/5/17 for further hearing.

Sd/-
(S. Vijayaraghavan)
Member (Technical)

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

Dated, the 17th day of May, 2017