

**NATIONAL COMPANY LAW TRIBUNAL**  
**NEW DELHI BENCH**  
**NEW DELHI**

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**CORAM:**  
**Present- Sh. S.K MOHAPATRA**  
**Hon'ble Member(T)**

**C.P.No. (CAA)-419 (ND)2017**  
**SMT.INA MALHOTRA**  
**Hon'ble Member (J)**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF NEW DELHI BENCH OF  
THE NATIONAL COMPANY LAW TRIBUNAL ON 08.12.2017**

**NAME OF THE COMPANY: In the matter of Amalgamation**  
ASHMEET INFRASTRUCTRE PRIVATE LIMITED (/Applicant Company No.1  
Transferor Company)

WITH

COMPETENT HOLDINGS PRIVATE LIMITED (Applicant No. 2/Transferee  
Company)


**SECTION OF THE COMPANIES ACT: 230-232**

<b><u>S.NO.</u></b>	<b><u>NAME</u></b>	<b><u>DESIGNATION</u></b>	<b><u>REPRESENTATION</u></b>	<b><u>SIGNATURE</u></b>
Petitioner(s)-	Mr. Rajiv Shankar Divedi, Advocate Mr. S.K Sarkar, Advocate Mr. Prasant Kumar Sarkar, CS			
Respondent(s)-	Ms. Lakshmi Gurung, Counsel for IT Dept. Ms. Easha Kadian, Counsel for IT Dept.			

**ORDER**

**PER INA MALHOTRA (MEMBER JUDICIAL)**

1. This petition by way of Second Motion is admitted and fixed for hearing and final disposal on 16<sup>th</sup> January 2018.

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2. Learned Counsel for the Petitioner Companies submits that in terms of Order dated 27<sup>th</sup> October, 2017 passed by this Tribunal in Company Application No. CAA-129 (ND) 2017, the meeting of the all Equity Shareholders of the applicant companies for the proposed Scheme of Amalgamation between the Ashmeet Infrastructure Private Limited (Applicant No.1/ Transferor Company) WITH Competent Holdings Private limited (Transferee Company/ Applicant No. 2) had been dispensed with in view of the consent affidavits of the shareholders of applicant companies being on record. The Applicant Companies did not have any secured or unsecured creditors, therefore the requirement for convening their meetings did not arise.
  3. It is therefore now directed that the notice of the hearing fixed for 16<sup>th</sup> January, 2018 shall be advertised in the newspapers namely, English "Statesman" and Hindi "NavBharat Times" edition having circulation in Delhi not less than 10 days before the aforesaid date fixed for hearing.
  4. In addition to the above public notice, both the applicant companies shall individually serve the notice of the Petition on the following Authorities namely, (a) Central Government through Regional Director (Northern region), Ministry of Corporate Affairs (b)Registrar of Companies, NCT of Delhi & Haryana, Ministry of Corporate Affairs (c) the Income Tax Department, (d) Official Liquidator and to such other Sectoral Regulatory Authorities who may govern the working of the respective Companies involved in the Scheme at least 30 days before the date fixed for hearing of the above Petition. This is in addition to the notice being accepted by Mr. Manish Raj on behalf of the RD and Ms. Gurung Standing Counsel for the IT Dept who are present in Court.
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5. Both the applicants, shall at least 7 days before the date of hearing of the petition file an affidavit of service in relation to paper publication effected as well as service of notices on the Authorities specified above including the Sectoral Regulator.
6. Objections, if any, to the Scheme contemplated by the authorities to whom notices have been given on or before the date of hearing fixed herein may be filed, failing which it will be considered that there is no objection on the part of the authorities to the approval of the Scheme by this Tribunal and subject to other conditions being satisfied as may be applicable under the Companies Act, 2013 and relevant rules framed there under.

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**(S.K Mohapatra)**  
**Member Technical**

-Sd/-

**(Ina Malhotra)**  
**Member Judicial**