

**IN THE NATIONAL COMPANY LAW TRIBUNAL**

**KOLKATA BENCH**

**KOLKATA**

**C.P.No. 510/KB/2017**

**Coram : Shri V.P.Singh, Hon'ble Member (Judicial)**  
**Shri Jinan K.R., Hon'ble Member (Judicial)**

In the matter of:

Section 230 of the Companies Act, 2013 read with Section 48  
and other relevant provisions of the Companies Act, 2013;

And

In the matter of:

Scheme of Arrangement between

Microfirm Capital Private Limited, a company incorporated  
under the Companies Act, 1956, having its Registered Office  
at 24, Park Street, Kolkata 700016 ... Petitioner

And

7% Redeemable Cumulative Preference Shareholders Series  
III of Microfirm Capital Private Limited;

And

Their respective Shareholders.

**For the Petitioner: Ms. Nitu Poddar, Pr. C.S.**

**For the Central Govt: Ms. Tiainla, Dy. Director, RD(ER)**

Order pronounced on

1

12-12-2017

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**Per Shri V.P.Singh, Hon'ble Member (Judicial)**

**ORDER**

Heard the Ld. Pr. CS appearing on behalf of the applicant and the Dy. Director from the Office of the Regional Director, Eastern Region, Ministry of Corporate Affairs representing the Central Government.

While going through the records it appears that by this Tribunal's Order dated 11/10/2017 certain directions were given to the petitioner and in compliance thereof petitioner has filed an affidavit of service, but the same has not been duly affirmed.

However, it appears that petitioner, in compliance with the Order dated 11/10/2017 of the Tribunal, served notices on the Registrar of Companies, West Bengal, Regional Director (Eastern Region), Ministry of Corporate Affairs, Income Tax Authority, DCIT, Circle 8(1) as well as on the Official Liquidator all dated 20/10/2017 and published notices in newspapers on 21/10/2017. But as per the aforesaid order dated 11/10/2017 the petitioner has not filed Auditor's certificate as mandated in proviso to Section 232(3) or Section 230(7) of the Companies Act, 2013.

Petitioner is hereby directed to file supplementary affidavit annexing the aforesaid Auditor's Certificate in

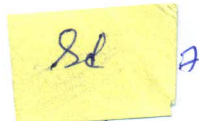
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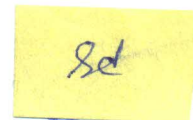
the Companies Act, 2013 and file affidavit of service duly affirmed within 7 days from the date of this order.

List it on 5/1/18 for further order.

Certified true copy of the order may be issued, if applied for, upon compliance of all requisite formalities.



(Jinan K.R.)  
Member (J)



(V.P.Singh)  
Member (J)

Signed on this, the 12<sup>th</sup> day of December 2017.

hb.