

620.

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA

CORAM

Shri Vijai Pratap Singh
Hon'ble Member (J)

Shri S. Vijayaraghavan
Hon'ble Member(T)

T.P.(CAA) No. 200/KB/2017
Arising out of
(COPET No.15 of 2016 transferred from the Orissa High Court)

In the Matter of:

The Companies Act, 1956;

-And-

In the Matter of:

Sections 391 to 394 of the Companies Act, 1956;

-And-

In the Matter of:

Sections 230 to 232 of the Companies Act, 2013

Luis Packaging Private Limited
With
Kalinga Packers Private Limited

-And-

In the Matter of:

M/s. Luis Packaging Private Limited, a Company incorporated
under the Companies Act, 1956 and having its Registered Office
and Factory at 53/54, New Industrial Estate, Jagatpur, Cuttack,
Orissa;

... Petitioner/(Transferor Company)

R

-And-

In the matter of:

M/s. Kalinga Packers Private Limited (KPPL), a company incorporated under the provisions of the Companies Act, 1956 and having its registered office and factory at 75, New Industrial Estate, Jagatpur, Cuttack, Orissa;

.. Petitioner/(Transferee Company)

Counsel on Record:

- | | |
|--------------------------------|-----------------------|
| 1. Mr. A.K. Upadhyay, Advocate |] |
| 2. Mr. B.P. Banerjee, Advocate |] For the Petitioners |
| 3. Mr. Sanjay Yadav, D.D. |] For R.D. (E.R.) |

ORDER

Per Sri Vijai Pratap Singh, Member(J)

This is an application for sanctioning the scheme of Amalgamation and on scrutiny, it is observed that the petitioners have not filed the following documents.

- 1) Latest financial position of the transferor and the applicant companies i.e., P & L a/c and Balance-sheet along with the latest Auditor's Report on the accounts of the Companies under section 230(2)(a) of the Companies Act.
- 2) The basis on which each class of members or creditors has been identified for the purposes of approval of the scheme under Rule 3(4) of the NCLT Rules, 2016;

RS

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

The matter be listed on 24/7/17 for further hearing.

Urgent certified copy of this order, if applied for be issued upon compliance with all requisite formalities.


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


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

Signed on this, the 31st day of May, 2017