

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL  
BENCH AT MUMBAI

CSP NO 1088 OF 2017

In the matter of the Companies Act, 2013

AND

In the matter of Scheme of Amalgamation of BKT Exim  
Limited ('Transferor Company') with Balkrishna  
Industries Limited ('Transferee Company') and their  
respective Shareholders

AND

In the matter of Sections 230 to 232 and other applicable  
provisions of the Companies Act, 2013 ('Act');

BKT Exim Limited, a Company incorporated	}	
under the Companies Act, 1956 and having its	}	
registered office at C/15, Trade World,	}	
Kamala Mills Compound, Senapati Bapat Marg,	}	
Lower Parel (West), Mumbai – 400 013	}	
CIN: U74999MH2007PLC167200	}	..... Petitioner Company

Order delivered on 21<sup>st</sup> December, 2017.

Coram: M.K Shrawat , Member (J)

V .Nallasenapathy, Member (T)

**Per: : V .Nallasenapathy, Member (T)**

**ORDER**

1. Petition admitted.
2. Petition fixed for hearing and final disposal on 24<sup>th</sup> January, 2018.
3. Learned Counsel for the Petitioner Company states that in pursuance of the directions contained in Order dated 12<sup>th</sup> October, 2017 passed by the National Company Law Tribunal, Mumbai Bench ('Tribunal') in the Company Scheme Application No. 472 of

2017, the meeting of Equity Shareholders was held on Monday, 27<sup>th</sup> November, 2017 and the requisite quorum was present and the Scheme was approved without modifications by the Equity Shareholders. The Chairman appointed for the meeting has submitted his report with the Tribunal on 28<sup>th</sup> November, 2017 which is annexed as Annexure 'G' to the Company Scheme Petition. Since the Petitioner Company does not have any Secured or Unsecured Creditors the question of sending notices to Creditors does not arise.

4. The Counsel for the Petitioner Company further submits that as directed by this Tribunal notices have been served upon all the Regulatory Authorities namely. (i) concerned Income Tax Authorities with in whose jurisdiction the Petitioner Company's assessments are made, (ii) the Central Government through the office of Regional Director, Western Region, Mumbai, (iii) Registrar of Companies, and (iv) the Official Liquidator, High court, Bombay, as per Rule 8 of the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016.
5. The Learned Counsel for the Petitioner Company further submits that the Company Scheme Petition is filed in consonance with section 230 to 232 and other applicable provisions of the Companies Act, 2013.
6. At least ten (10) days before the date fixed for hearing, Petitioner Company to publish the notice of hearing of Petition in two local newspapers viz. "Free Press Journal", in English language and translation thereof in "Navashakti", in Marathi language, both having circulation in Mumbai as per Rule 16 of the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016.
7. The Petitioner Company to file an affidavit of service regarding the directions given by the Tribunal and do report to this Tribunal that the direction regarding the issue of advertisement of the notice has been duly complied with.

**Sd/-**

**V. Nallasenapathy, Member (T)**

Date: 20.12.2017

**Sd/-**

**M.K Shrawat , Member (J)**