

**National Company Law Tribunal
Guwahati Bench**

T.P. No.29/391(1)/394/GB/2016
(Company Petition No.04 of 2016)

1. Supreme Tea Plantations Private Limited
2. Rafiulla Tea & Industries Private Limited

..... Petitioners

Present: The Hon'ble Mr Justice P.K. Saikia, Member (J)

Mr. Raj Kr. Agarwala, Advocate,
Ms D. Kalita, Advocate

... for the petitioners

Date of order: 8th February 2017

ORDER

Heard Mr. Raj Kr. Agarwala, Advocate, learned Counsel for the petitioners.

2. This proceeding is for the confirmation of the Scheme of Arrangement in Form No.40 of Companies (Court) Rules, 1959. The petition was originally filed before the Hon'ble Gauhati High Court for taking action under the Companies Act, 1956. On receipt of the company petition, the Hon'ble High Court, vide order dated 16.03.2016 rendered in Co.Pet.4/2016, has ordered issuance of advertisement in two newspapers and also directed notice to be served on the Central Government through the Regional Director, Company Law Board, North Eastern Region, Shillong. For ready reference, said order is reproduced below:

"Heard Mr R.K. Agarwala, learned counsel for the petitioners. Perused the petition for confirmation of the Scheme of Arrangement in Form No.40 of the



Companies (Court) Rules, 1959.

Let this petition be fixed for hearing on 18.05.2016.

Let notice of hearing be advertised in "Assam Tribunal" and "Dainik Assam" not less than 14 (fourteen) days before the date fixed for hearing.

Let notice of the petition be served to the Central Government through the Regional Director, Company Law Board, North Eastern Region, Shillong and to be served not less than 28 days before the date fixed for hearing.

The case be posted for hearing on 18.05.2016."

3. However, thereafter, the old Companies Act stood repealed and the new Act came into effect. In view of Notification dated 07.12.2016, said proceeding along with other similar proceedings were transferred to the National Company Law Tribunal to be disposed of in accordance with the provisions of Section 230-232 and Rules framed thereunder.

4. It may be stated that in terms of the aforesaid order, the petitioners had taken steps by advertising the Scheme in the "Assam Tribune" and "Dainik Assam" with not less than 14 (fourteen) days before the fixed date of hearing and also served notice on the Central Government. However, till date ROC/Central Government did nothing to place their view on the Scheme of Arrangement. In that connection, I have also perused the order passed by the Hon'ble Gauhati High Court on 08.12.2016. For ready reference, same is reproduced below:

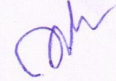
"Heard Mr R.K. Agarwala, learned counsel appearing for the petitioner. Also heard Mr S.C. Keyal, learned Standing Counsel for the Regional Director, who submits that he is yet to receive instruction in the matter and prays for 4 (four) weeks' time.

The prayer is allowed.

List the matter after 4 (four) weeks."

5. In view of the above, I find it necessary to direct Mr S.C. Keyal to appear before this court on the next date without fail. Otherwise, it will be presumed that the Central Government/ROC has no objection for confirmation of the Amalgamation Scheme.

6. List this matter on 28.02.2017.
7. A copy of this order be sent to Mr S.C. Keyal, learned Standing Counsel for the Central Government.



Member (Judicial)
National Company Law Tribunal,
Guwahati Bench,
Guwahati.

nkm