

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH

CSP NO. 1152 OF 2017

In Under Section 230-232 of the
Companies Act, 2013

In the matter of Scheme of Amalgamation between Aksi Wholesalers Private Limited ("Transferor Company No. 1") and Barkha Enterprises Private Limited ("Transferor Company No. 2") and Blessings Mercantile Private Limited ("Transferor Company No. 3") and Bright Home Retail Private Limited ("Transferor Company No. 4") and Fresh And Fine Traders Private Limited ("Transferor Company No. 5") and Gauged Trading Private Limited ("Transferor Company No. 6") and HSR Wholesale & Retail Private Limited ("Transferor Company No. 7") and Jalbhushan Multitrade Private Limited ("Transferor Company No. 8") and Laxman Logistics Private Limited ("Transferor Company No. 9") and Nuzone Ecommerce Private Limited ("Transferor Company No. 10") and Prasoon Traders Private Limited ("Transferor Company No. 11") and Sanavi Multitrading Private Limited ("Transferor Company No. 12") and THPL Wholesalers & Consolidators Private Limited ("Transferor Company No. 13") and Topller Traders Private Limited ("Transferor Company No. 14") and Ucchal Traders Private Limited ("Transferor Company No. 15") and Kyal Trading Private Limited ("Transferee Company") and Their Respective Shareholders.

HSR WHOLESALE & RETAIL PRIVATE LIMITED

....Petitioner Company/ the Seventh Transferor Company

Order delivered on 11th January, 2018

Coram:

Hon'ble B.S.V. Prakash Kumar Hon'ble Member (J)

Hon'ble V. Nallasenapathy Hon'ble Member (T)

For the Petitioner(s): Mr. Rajesh Shah, Advocate along with Ahmed M. Chunawala, Advocate i/b Rajesh Shah & Co., Advocates for the Petitioner

Per: V. Nallasenapathy Hon'ble Member (T)

ORDER

1. Petition Admitted.
2. Petition fixed for hearing and final disposal on 01st February, 2018.
3. Learned Counsel for the Petitioner states that in pursuance of the directions contained in Order dated 08th November, 2017 passed by the National Company Law Tribunal, Mumbai Bench in the Company Application No. 924 of 2017, the meeting of Equity Shareholders was held on 18th December, 2017 and the requisite quorum was present and the Scheme was approved unanimously by the Equity Shareholders without modifications. The Chairman appointed for the meeting has filed his affidavit verifying his report dated December 21, 2017 which is annexed as Exhibit – 'H' to the petition.
4. The Learned Counsel for the Petitioner Company further submits that the Company Petition is filed in consonance with section 230 to 232 of the Companies Act, 2013 along with the Order passed in Company Application No. 924 of 2017 by the National Company Law Tribunal, Mumbai Bench.
5. At least 10 days before the date fixed for hearing, Petitioner 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 15 of the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016.
6. The Petitioner to file an affidavit of service regarding the directions given by the Tribunal three days before the date fixed for final hearing 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)

Sd/-

B.S.V. Prakash Kumar Member (J)