

IN THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH, KOLKATA

CP No. 390/KB/2017

In the matter of :

*The Companies Act, 2013(18 of 2013)-
Section 14(1)*

And

In the matter of :

M/s. Shivam Aluminium Company Limited –

... Petitioner

Judgment Delivered on : 16-08-2017

Coram : Ms. Manorama Kumari, Member(Judicial)

For the petitioners :

Shri Patit Paban Bishwal, Advocate

Per: Ms. Manorama Kumari, Member(J) :

ORDER

The Company Petition No. 390/KB/2017 has been filed by the petitioner under Section 14(1) of the Companies Act, 2013 with a prayer for conversion of the Company from Public Limited to Private Limited company.

Heard the petitioner at length.

Perused the records and documents annexed with the petition.

On perusal of the petition, it is found that the following requirements of Rule 68(5) of the NCLT Rules, 2016 has not been complied with by the petitioner :

- (a) Advertise the petition in accordance with rule 35;
- (b) Serve, by registered post with acknowledgement due, individual notice in Form NCLT. No. 3B to the effect set out in sub-rule(a) on each shareholder and the creditor of the Company; and
- (c) Serve, by registered post with acknowledgement due, a notice together with the copy of the petition to the Central Government, Registrar of Companies and to the regulatory body, if the company is regulated under any other Act.
- (d) An affidavit by the petitioner confirming the compliance of the above requirements of Rule 68(5) of the NCLT Rules, 2016.

The petitioner is directed to comply with the above requirements of Rule 68(5) of the NCLT rules, 2016.

Fixing 11-09-2017 for necessary orders.


MANORAMA KUMARI
MEMBER(J)