

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,  
MUMBAI BENCH

CSP NO 1058 OF 2017

In the matter of the Companies Act, 2013;

AND

In the matter of Sections 230 to 232 and Section 234 of  
the Companies Act, 2013;

AND

In the matter of Scheme of Amalgamation of Ayush  
Diaex Private Limited ('Transferor Company 1') and  
Ayush Investments Mauritius Limited ('Transferor  
Company 2') with Ayush Diamonds Private Limited  
(the Transferee Company) and their respective  
shareholders.

**AYUSH DIAEX PRIVATE LIMITED,**

....Petitioner Company

Order delivered on 30<sup>th</sup> November, 2017

Coram:

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

Hon'ble V .Nallasenapathy, Member (T)

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

Per: B. S.V. Prakash Kumar, Member (J)

**ORDER**

1. Petition admitted
2. Petition fixed for hearing on 21<sup>st</sup> December, 2017.
3. Learned Advocate for the Petitioner Company submits that in pursuance of Order dated 14<sup>th</sup> September, 2017 passed by this Tribunal in Company Scheme Application No 865 of 2017, meeting of the Equity Shareholders of the Petitioner Company was convened and held at GW-8101, G Tower, Bharat Diamond Bourse, Bandra Kurla Complex, Bandra (East), Mumbai – 400 051 on Wednesday, 18<sup>th</sup> October, 2017, at

10.00 a.m. and the requisite quorum was present and the Scheme was approved with the requisite majority by the Equity Shareholders with modifications. The Chairperson appointed for the meeting has filed his affidavit verifying his report dated 18<sup>th</sup> October, 2017 which is annexed as 'Annexure – G' to the petition. The Petitioner Company has no secured and unsecured creditors.

4. The Counsel for the Petitioner 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) Central Government through 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. At least 10 days before the date fixed for hearing, Petitioner Company to publish the notice of hearing of the Petition in two local newspapers viz. "Free Press Journal" in English and "Navshakti" in Marathi, both having circulation in Mumbai as per Rule 16 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)**