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BEFORE THE NATIONAL COMPANY LAW TRIBUNAL  
KOLKATA BENCH  
KOLKATA

**CORAM**

**Shri Vijay Pratap Singh**  
Hon'ble Member (J)

**Shri S. Vijayaraghavan**  
Hon'ble Member (T)

**C. A. No.58/2017 connected with T.A. No.10/2017**

**In the matter of :**

Sections 230 to 232 of the Companies Act, 2013 and other relevant provisions of the Companies Act, 2013 read with Rule 44(2) of the National Company Law Tribunal Rules, 2016;

And

**In the matter of :**

Section 391 to 394 of the Companies Act, 1956 (1 of 1956) and to the extent applicable provisions of the Companies Act, 2013 (18 of 2013);

And

**In the matter of:**

ABC Consultants Private Ltd., a company incorporated under the Companies Act, 1956 and having its registered office at 3, Dacres Lane, 1<sup>st</sup> floor, Kolkata – 700 069, within the aforesaid jurisdiction;

.....**Demerged/ Transferor Company**

And

**In the matter of:**

Station Chase Holding Private Limited (presently known as Accord Telentsearch Private Limited) a company incorporated under the Companies Act, 1956; and having its registered office at 301, Shuvam Building, 1, Sarojini Naidu Sarani, Kolkata – 700 017, within the aforesaid jurisdiction;

... **Resultant/ Transferee Company**

And

**In the matter of:**

Stanton Chase Holding Private Limited (presently known as Telentsearch Private Limited)

.... **Applicant**

**Counsels on Record:**

- |                                 |                           |
|---------------------------------|---------------------------|
| 1. Mr. Chayan Gupta, Advocate   | ] For the Petitioner<br>] |
| 2. Mr. Soumen Mohanty, Advocate |                           |

Date of Pronouncing the order : 1-3-2017

**ORDER**

This is an application under Rule 44(2) of the National Company Law Tribunal Rules, 2016 for permission/leave of the Court to withdraw the T.A. No.10/2017 with a liberty to file application afresh under the provisions of Companies Act, 2013.

Brief facts of the case are that pursuant to the Board Resolution dated 26.11.2016 passed by the Board of Directors of the applicant company, ABC Consultants Private Ltd., the transferor company, filed an application under section 391/394 of the Companies Act, 1956 before the Hon'ble High Court at Calcutta on 14<sup>th</sup> December, 2016, which was numbered as Company Application no.898/2016. That the application after coming into operation of the Companies Act 2013 and transfer of jurisdiction from the High Courts to the NCLT, the Hon'ble High Court transferred the records of proceedings under section 391/394 of the Companies Act to NCLT. The petitioner has stated that the name of the transferee company, the applicant herein had been changed from Stanton Chase Holding Private Ltd. to Accord Telentsearch Private Limited on 23<sup>rd</sup> January, 2017 and a certificate with the changed name had been issued by the Registrar of Companies, West Bengal.

Considering the facts and circumstances and taking into account the applicability of Companies Act, 2013 and the change of name of the Transferee


company, the Board of Directors of ABC Consultants Private Ltd., the applicant company and ABC Consultants Pvt. Ltd., the transferor company, vide Board Resolution dated 6<sup>th</sup> February, 2017 have considered that the application under section 391/394 of the Company Act, 1956, previously filed before the Hon'ble High Court, Calcutta vide C.A. no.898 of 2016 transferred to NCLT, Kolkata bench, being renumbered as T.A.no.10/2017 be withdrawn with a liberty to file the proceedings afresh, under the provisions of sections 230 to 232 of the Companies Act, 2013.

Rule 44(2) of the NCLT Rules, 2016 empowers the Tribunal to grant such permission in the interest of justice. In this context, the petitioner has sought leave of the Tribunal to withdraw the petition on the ground that the name of the transferee company has been changed. Therefore, in the circumstances, the Company Application no.58/2017 deserves to be allowed.

#### ORDER

The Company Application 58/2017 is allowed and applicant is permitted to withdraw TA No.10/2017 with a liberty to file afresh, under the provisions of the Companies Act.

Urgent Photostat copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

  
(S. Vijayaraghavan)  
Member (Technical)

  
(Vijai Pratap Singh)  
Member(Judicial)

Dated, the 1<sup>st</sup> day of February, 2017  
March