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BEFORE THE NATIONAL COMPANY LAW TRIBUNAL
KOLKATA BENCH
KOLKATA

CORAM

Shri V. P. Singh
Hon'ble Member (J)

Shri S. Vijayaraghavan
Hon'ble Member (T)

T.P. No.60/2017 in C.P. No.1046/2016

In the matter of :

The Companies Act, 1956

And

In the matter of:

An application under sections 100, 101, 102 and 103 of the said Act;

And

In the matter of:

Golden Greeneries Private Ltd., a company incorporated under the provisions of the Companies Act, 1956, having its registered office at 7, Munshi Premchand Sarani, Hastings, Kolkata- 700 022 within the aforesaid Jurisdiction;

... Petitioner

Counsels on Record:

1. Mr. Ajay Chaudhury]
2. Ms. Manju Bhuteria] For the Petitioner
3. Mr. Nirmalya Dasgupta]
4. Mr. M.K.Maruti, FCA]

Date of Pronouncing the order : 1-3-2017

ORDER

This is an application taken out by the petitioner essentially seeking an order for reduction of share capital for such reasons as stated in paragraph 7 of the petition.

The Hon'ble High Court under section 101(2) of the Companies Act, 1956 dispensed with the compliance of the said provisions and an order was passed for issuing advertisement once each in Business Standard and Bartaman by December 09, 2016 returnable on January 02, 2017 and it was further directed that the production of the original Minute Book along with the petition is dispensed with on the undertaking of the Petitioner that he will produce the same before the Court as and when necessary. In compliance of the order, the petition was advertised and the petitioner filed an affidavit in support of the compliance of the said order. After coming into effect of the Companies Act, 2013, the petition was transferred from the Hon'ble High Court to NCLT and the Company Petition no.1046/2016 which was filed before the Hon'ble High Court at Calcutta on 11.11.2016 has been received in NCLT, which has been renumbered as T.P. no.60/2017.

None appeared to oppose the prayer made in the petition by the petitioner. In the interest of justice, we think it proper to give liberty to the Central Government and ROC so that if there be any objection, they may submit the same to us. In the circumstances mentioned above, we hereby direct that the Central Government through Regional Director and Registrar of Companies be served copies of the petition within 05 days of passing of this order with a time limit of 15 days to file objection, if any, so that final order may be passed.

It is to be made clear that if no objection is filed by the Central Government within the stipulated time then it shall be presumed that the Central Government has no objection. It is further ordered that in addition to above notices on RoC and Central Government is also directed to be served through e-mail and copy of the mail should be annexed along with the affidavit.

List on 20.03.2016 for further hearing.


(S. Vijayaraghavan)
Member (Technical)

 11/3/17
(Vijai Pratap Singh)
Member (Judicial)

Dated, the 1st day of February, 2017
March