

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,  
MUMBAI BENCH

COMPANY SCHEME PETITION NO. 36 OF 2017

In the matter of Sections 232 and any corresponding provisions of the Companies Act, 2013 read with Companies (Compromises, Arrangements and Amalgamations) Rules, 2016;

AND

In the matter of Scheme of Amalgamation between Pyramid Packaging Private Limited and Monad Technologies Private Limited and Sigma Corru Box Private Limited with Horizon Packs Private Limited and their respective Shareholders.

Horizon Packs Private Limited, a company )  
incorporated under the provisions of Companies )  
Act, 1956 having CIN U21014MH2001PTC133116 )  
and registered office at 205/206, Veena Killedar )  
Industrial Estate, 10/14 Pais Street, Byculla (West) )  
Mumbai - 400011, Maharashtra, India. )..... Petitioner Company

Mr. Hemant Sethi i/b. Hemant Sethi & Co., Advocates for the Applicant Company

**CORAM: B.S.V. Prakash Kumar, Member (Judicial)**

**V. Nallasenapathy, Member (Technical)**

**DATE: 19<sup>th</sup> January 2017**

**MINUTES OF THE ORDER**

1. Petition admitted.
2. Petition fixed for hearing and final disposal on 15<sup>th</sup> day of March, 2017.
3. Learned Advocate for the Petitioner Company states that in pursuance of Order dated October 27<sup>th</sup>, 2016 passed in CSD No. 832 of 2016, the convening and holding the meeting of the Equity Shareholders was dispensed with in view of consent given by all the Equity Shareholders. There were no Secured Creditors in the Petitioner Company, hence question of convening and holding the meeting of Secured Creditors did not arise. The meeting of the Unsecured Creditors was also dispensed with upon an undertaking given by the Petitioner Company to issue individual notice of the date of hearing of the Petition by Registered Post A.D. to all its Unsecured Creditors and also to publish the same in two local newspapers.



4. At least 14 clear days before the date fixed for hearing, Petitioner to serve an individual notice of hearing of Petition by Registered Post A.D. / Air mail upon all the Secured and Unsecured Creditors of the Petitioner Company.
5. At least 10 clear days before the date fixed for hearing, Petitioner Company to publish the notice of hearing of the Petition in two newspapers, viz 'Free Press Journal' in English language and translation thereof in 'Navshakti' in Marathi language, both circulated in Mumbai, Maharashtra.
6. The Petitioner Company is also directed to serve notices along with copy of scheme upon:- (i) concerned Income Tax Authority with in whose jurisdiction the Petitioner Company's assessments are made, (ii) the Central Government through the office of Regional Director, Western region, Mumbai and (iii) Registrar of Companies, Mumbai with a direction that they may submit their representations, if any, within a period of thirty days from the date of receipt of such notice to the Tribunal with copy of such representations shall simultaneously be served upon the Petitioner Company, failing which, it shall be presumed that the authorities have no representations to make on the proposals.
7. Petitioner Company to file affidavit of service in the Registry proving dispatch of notices upon Creditors, to the Regulatory authorities as stated in clause 6 above and publication of notice in newspapers.

Sd/-

**B.S.V. Prakash Kumar, Member (Judicial)**

Sd/-

**V. Nallasenapathy, Member(Technical)**