

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL

MUMBAI BENCH

COMPANY APPLICATION NO 46 OF 2017

In the matter of Section 66 of the Companies act 2013  
and the Rules framed thereunder.

AND

In the matter of Reduction of Share Capital of Franco –  
Indian Pharmaceuticals Private Limited

Franco–Indian      Pharmaceuticals      Private      }  
Limited, company Incorporated under the      }  
provisions of companies Act 1956 having its      }  
registered office at 20, Dr E Moses Road,      }  
Mumbai      400011      CIN      NO:      }  
U24239MH1959PTCO11347      } .... Applicant

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

**Called for Admission**

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

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

**DATE: 17<sup>th</sup> March 2017**

1. Petition admitted.
2. Petition fixed for hearing on 29<sup>th</sup> June 2017.
3. The learned Counsel for the Petitioner submits that this is an application for confirmation of a special resolution for alteration of memorandum of association by reducing the amount of share capital from INR 92,50,000/- (consisting of 1,85,000 Equity Shares of INR50/- each fully Paid-up) reduced to INR 46,25,000/- (consisting of 1,85,000 Equity Shares of INR25/- each fully Paid-up) since the equity capital so reduced is in excess of the wants of the Company. The said special resolution was passed by the Company in its Annual General Meeting held on 30<sup>th</sup> September 2016.

4. The Applicant Company is also directed to serve notices along with copy of scheme upon:- (i) Registrar of Companies, Mumbai (ii) to the Regional Director, Western Region, Mumbai (iii) Creditors with a direction that they may submit their representations, if any, within a period of three months 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 they have no representations to make on the proposal.
5. Within 7 days from the date of this order, the Applicant Company to publish notice of the date of hearing of Petition as required under NCLT (procedure for reduction of share capital Rules 2016) in 'Free Press Journal' in English language and translation thereof in 'Navshakti' in Marathi language both having circulation in the State of Maharashtra and may also uploaded the same in the website of the company, if any, seeking objections from the creditors .
6. The Applicant Company to file affidavit in this Tribunal not later than 7 days from the date of issuance of such notices as stated in paragraphs 5 & 6 above and publication of the notices.

Sd/-

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

Sd/-

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