

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,

MUMBAI BENCH

COMPANY SCHEME PETITION NO 206 OF 2017

In the matter of the Companies Act, 2013

And

In the matter of Section 391 & 394 of Companies Act, 1956(corresponding section 230 to 232 of the Companies Act 2013);

And

In the matter of Scheme of Amalgamation of Nishkama Jagruti Developers Private Limited with Powerica Sales and Services Private Limited and their Respective Shareholders

Nishkama Jagruti Developers Private Limited,  
a Company incorporated under the provisions of  
of companies Act, 1956 having its registered office  
at 8<sup>th</sup> Floor, Bakhtawar, Nariman Point  
Mumbai – 400021, Maharashtra India

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.....Petitioner /Transferor Company

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

**CORAM: M.K. Shrawat , Member (Judicial)**

**DATE: 21<sup>st</sup> April 2017**

**MINUTES OF THE ORDER**

1. Petition admitted.
2. Petition fixed for hearing and final disposal on 16<sup>th</sup> day of June , 2017.
3. Learned Advocate for the Petitioner Company states that in pursuance of Order dated 8<sup>th</sup> July 2016 passed by High Court in CSD No. 597 of 2016, the meeting of the Equity Shareholders was dispensed with in view of consent given by both the Equity Shareholders . There were no Secured and Unsecured Creditors in the Petitioner Company, therefore the question of convening meetings of Secured and Unsecured Creditors did not arise.
4. 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 having circulation in Mumbai.

5. 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.
6. The Petitioner Company is also directed to serve notice along with copy of scheme upon Official Liquidator. M/s S.M Pradhan & Co. Chartered Accountants are appointed to assist the Official Liquidator to scrutinize books of accounts of the Petitioner Company for the last 5 years. The Petitioner Company to pay fees of Rs. 40,000/- .
7. Petitioner Company to file affidavit of service in the Registry proving service of notices to the Regulatory authorities as stated in clause 5 & 6 above and publication of notice in newspapers.

Sd/-

**M.K. Shrawat , Member (Judicial)**