

**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD**

**TP No. 59/NCLT/AHM/2017 (New)
With Gujarat High Court CP no. 486 and CA No. 465/2016**

Coram:

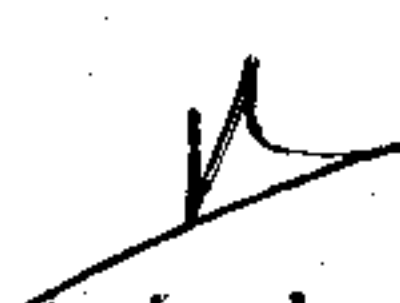
**Present: Hon'ble Mr. BIKKI RAVEENDRA BABU
MEMBER JUDICIAL**

**ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF AHMEDABAD
BENCH OF THE NATIONAL COMPANY LAW TRIBUNAL ON 10.04.2017**

Name of the Company: HMS Construction Pvt. Ltd.

Section of the Companies Act: Section 230-232 of the Companies Act, 2013

<u>S.NO.</u>	<u>NAME (CAPITAL LETTERS)</u>	<u>DESIGNATION</u>	<u>REPRESENTATION</u>	<u>SIGNATURE</u>
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1.	VAIBHAVI PARIKH	ADVOCATE	PETITIONER	
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2.

ORDER

Learned Advocate Ms. Vaibhavi Parikh present for Petitioner.

HMS Construction Pvt Ltd. (Transferor Company) filed Company Petition no. 486/2016 before the Hon'ble High Court of Gujarat seeking sanction of amalgamation of HMS Construction Pvt Ltd. (Transferor Company), with M B Stone Pvt Ltd. (Transferee Company).

The Hon'ble High Court of Gujarat by its order dated 15/11/2016 made in CP 486/2016 fixed the date of hearing as 15/12/2016.

Hon'ble High Court of Gujarat by its order dated 10/03/2017 transferred CP 486/2016 to this Tribunal and the same is renumbered as TP 59/2017.

Heard arguments of learned Counsel for petitioner.

Affidavit of the Director and Authorised Signatory of the Petitioner Company filed. It is stated in the affidavit that no notice is required to be issued to Reserve Bank of India and Competition Commission of India as they are not applicable in the present case.

Learned Counsel for petitioner contended that already publication of notice was made in the newspaper and notice already given to Regional Director as per the order of Hon'ble High Court of Gujarat dated 15/11/2016.

However, considering the change in forum and in view Rule 16(1) of the Companies (Compromise, Arrangements, and Amalgamation) Rules, 2016.

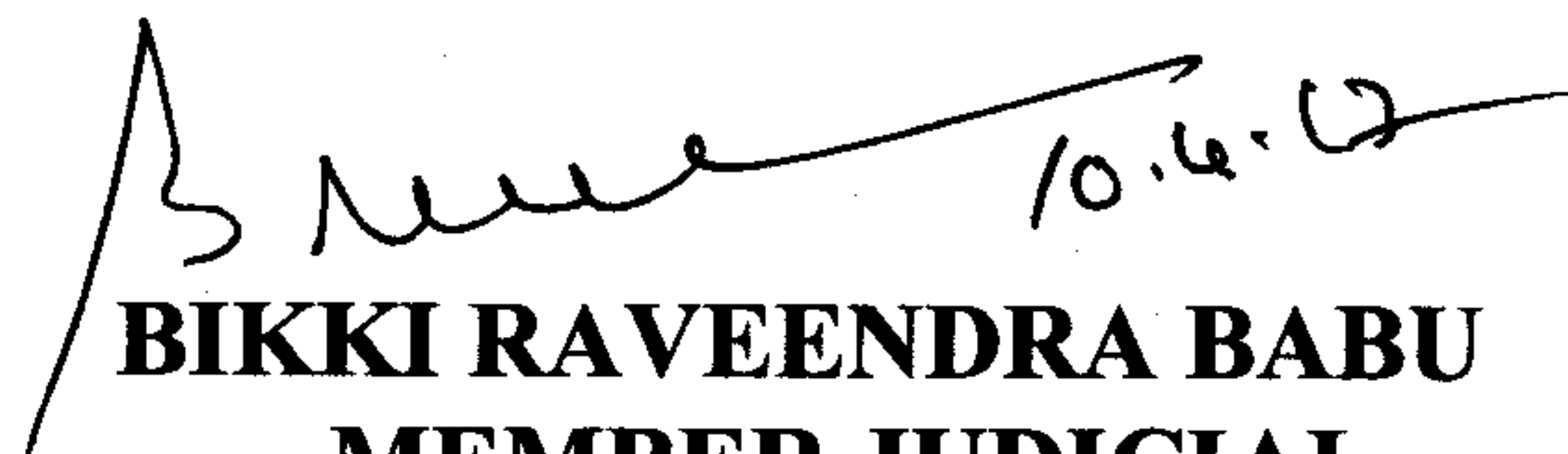
This Tribunal passed the following order: -

- 1) The date of hearing fixed as 21.05.2017.
- 2) Petitioner is directed to publish common notice in the newspaper in which already publication has been made, informing the date of hearing with specific mention that it is in continuation of public notice issued as per the order of the Hon'ble High Court Gujarat dated 15/11/2016. publication of notice shall appear at least 10 ten days before the date of hearing fixed.
- 3) Petitioner is directed to serve notice to following statutory authorities: -
 - a. Central Government through Regional Director.
 - b. Registrar of Companies, Gujarat
 - c. Concerned Income Tax Authorities.
 - d. Official Liquidator

Stating if they desire to make any representations the same shall be sent to this Tribunal within 30 days from the date of receipt of notice and in case no representation is received by this Tribunal within a period of thirty days, it shall be presumed that the above said authorities have no representation to make on the proposed scheme of arrangement.

- 4) Petitioner (Transferor Companies) is directed to issue individual notices at least 10 days before date of hearing to equity shareholders, secured and unsecured creditors, if any, informing the date of hearing and state their objection, if any, before this Tribunal on or before date of hearing. Petitioner shall file proof of service in respect directions 1 to 3 before this Tribunal.

List the matter on 21.05.2017.


BIKKI RAVEENDRA BABU
MEMBER JUDICIAL

Dated this the 10th day of April, 2017.