

42
**NATIONAL COMPANY LAW TRIBUNAL
AHMEDABAD BENCH
AHMEDABAD**

**T.P. No. 77/NCLT/AHM/2017 (New)
Gujarat High Court C.P. No. 363/2017 With CA 263/2016 (Old)**

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 12.07.2017**

Name of the Company: Stone Sapphire (India) Pvt. Ltd.

Section of the Companies Act: Section 391-394 of the Companies Act, 1956

| <u>S.NO.</u> | <u>NAME (CAPITAL LETTERS)</u> | <u>DESIGNATION</u> | <u>REPRESENTATION</u> | <u>SIGNATURE</u> |
|--------------|-------------------------------|--------------------|-----------------------|------------------|
|--------------|-------------------------------|--------------------|-----------------------|------------------|

| | | | | |
|----|--|--|--|---|
| 1. | Navin Pahwa, Adv Thakkar and Pahwa, Adv | | |  |
|----|--|--|--|---|

| | | | | |
|----|--|--|--|--|
| 2. | | | | |
|----|--|--|--|--|

ORDER

Learned Advocate Mr. Navin Pahwa present for petitioner.

Stone Sapphire (India) Pvt. Ltd (Transferee Company) filed Company Petition no. 363/2016 before the Hon'ble High Court of Gujarat seeking sanction of amalgamation of A.R Printing and Packaging (India) Pvt Ltd (Transferor Company), with Stone Sapphire (India) Pvt Ltd (Transferee Company).

The Hon'ble High Court of Gujarat by its order dated 16.08.2016 made in CP No. 363/2016 fixed the date of hearing as 30.09.2016.

Hon'ble High Court of Gujarat by its order dated 28.04.2017 transferred CP No. 363/2016 to this Tribunal and the same is renumbered as TP No. 77/2016.

Heard arguments of learned Counsel for petitioner.

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 16.08.2016.

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) Date of hearing fixed as 21.08.2017.
- 2) Petitioner is directed to publish 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 16.08.2016. 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
 - c. concerned Income Tax Authorities.
 - d. Reserve Bank of India and Competition Commission of India.

Stating if they desire to make any representations if not already filed 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 is directed to issue individual notices at least 10 days before date of hearing to 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 4 before this Tribunal.

List the matter on 21.08.2017.


BIKKI RAVEENDRA BABU
MEMBER JUDICIAL

Dated this the 12th day of July, 2017.