

National Company Law Tribunal

Allahabad Bench

CA NO. 92/ALD/2017

ATTENDANCE-CUM-ORDER SHEET OF THE HEARING OF ALLAHABAD BENCH OF THE
NATIONAL COMPANY LAW TRIBUNAL ON 04.08.2017

NAME OF THE COMPANY: Kamrich Hotels Pvt. Ltd.

SECTION OF THE COMPANIES ACT: U/S 230/232 of Companies act of 2013

<u>Sl. NO.</u>	<u>Name</u>	<u>Designation</u>	<u>Representation</u>	<u>Signature</u>
1.	ANIL KUMAR	PCS	Petitioner's co's	Anil K.
2.				

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Sri Anil Kumar, PCS appearing for the applicant company. The present company petition is filed as first stage motion petition seeking for sanction of the proposed scheme of amalgamation/ merger of transferor Company applicant no. 1 with the Transferee applicant no.2.

The reason for the proposed merger are stated in para 4.2 to Para 4.4 of the petition. The learned PCS brought to our notice that there is no secured Creditor, unsecured Creditor in the Transferee company. Hence, convening of their meeting is not required at all and to be dispensed with. It is further submitted in respect of the transferee company/ a list of secured and unsecured creditors has been annexed, which is duly certified by the Chartered Accountant and independent certificates are issued confirming that all of them have given their consent in favour of the proposed scheme. Hence, their meeting is also not necessary.

It is further submitted that there is also consent of the equity shareholders of the transferor and transferee company. They have also expressed their no objection in writing to the proposed scheme of amalgamation. Hence, their meeting in respect of the proposed scheme to be dispensed with.

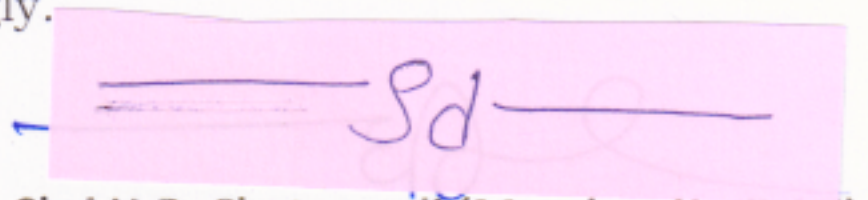
The applicant companies have further prayed for that publication of notice of the proposed meetings to be dispensed with. In case the court think proper may order to make publication in English Newspaper and Hindi Newspaper in such manner this Tribunal may direct so.

Having heard the submission of the learned PCS, representing the petitioner company. We are of the view, that the present company application filed as a First Motion Petition deserves to be allowed. Therefore, the relief sought for in respect of dispensation with meetings of the equity shareholders secured and unsecured creditors of the applicant companies are granted. Hence, the same are dispensed with.

However, the applicants company can make publication of its notice on hearing of the company (scheme) petition by inviting response/ objection, if any, from the public concern in respect of the proposed scheme, of amalgamation / merger at appropriate stage (filing Second Motion Petition).

With the above stated observation, the present company application is allowed. A liberty is granted to the petitioner company to file company petition (second stage motion petition) at appropriate stage by submitting compliance report. The petition stand disposed of accordingly.

Date: 04.08.2017


Shri H.P. Chaturvedi (Member (Judicial))