

**IN THE NATIONAL COMPANY LAW TRIBUNAL
BENGALURU BENCH**

C.P. (CAA)NO.18/BB/2017

U/S 230-232 of the Companies Act, 2013

**IN THE MATTER OF
BEECHCRAFT INDIA PRIVATE LIMITED**

Order Delivered on: 2ND AUGUST 2017

Coram: Hon'ble Shri Ratakonda Murali, Member (Judicial)
Hon'ble Shri Ashok Kumar Mishra, Member (Technical)

**Beechcraft India Private Limited,
2nd Floor, No.29, 80 Feet Road,
4th Block, Koramangala,
Bengaluru-560034**

- **TRANSFEROR COMPANY**

For the Petitioner(s): Mr. Saji P. John, Advocate, SPJ Legal, Unit No.1002, 10th Floor,
#30, Prestige Meridian II M G Road, Bengaluru -560001
Advocates for the Petitioner Company.

Per: Hon'ble Shri Ashok Kumar Mishra, Member (Technical)- Author

O R D E R

This Company Petition filed by Petitioner is coming before us for admission and for fixing a date of hearing of the main Company Petition as well as for a direction in relation to publication in press to be effected and notices to be issued to the authorities concerned in relation to date of hearing of the Petition and calling for the objections, if any, to the Scheme of Amalgamation where under the **Beechcraft India Private Limited (Transferor Company)** to be merged with **Textron India Private Limited (Transferee Company)**.

From the records, it is seen that the First Motion seeking dispensation with convening of meeting of Equity Shareholders and Unsecured Creditor was filed before the Tribunal. Directions were issued by this Tribunal to dispense with the convening of meetings of Equity Shareholders and Unsecured Creditor in view of their written consent vide order dated 31st May 2017 and is shown as **Annexure-G**.

In view of the notification of Section 230 to 232 as well as relevant Rules having been framed and notified under which this Tribunal has now been vested with the power to consider in relation to Compromise, Arrangements and Reconstruction which includes the approval of the Scheme of Amalgamation by way of merger as contemplated under Section 230 of the Companies Act, 2013. In terms of provisions of Section 230 to 232 of Companies Act, 2013 read with Rule 16 of the Companies (Compromise, Arrangements and Amalgamation) Rules, 2016 brought into effect on and from 15.12.2016, it is now hereby ordered as follows:-

- i. The date of hearing of the Petition filed by the Petitioner for the approval of the Scheme is fixed on **11th September 2017**.
- ii. Notice of the hearing shall be advertised in the newspapers namely, **Financial Express** (English Daily) Bengaluru Edition and **"Udayavani"** (Kannada Daily) Bengaluru Edition not less than 10 days before the aforesaid date fixed for hearing.
- iii. Registry is directed to prepare notices and the Petitioner Counsel to send the notices on the following Authorities namely:
 - a) The Regional Director, Ministry of Corporate Affairs, South-East Region, 3rd Floor, Corporate Bhavan, Bandlaguda Nagole, Tattiannaram Village, Hayatnagar Mandal, Rangareddy District, Hyderabad-560068.
 - b) The Registrar of Companies, Karnataka, E-Wing, 2nd Floor, Kendriya Sadan, Koramangala, Bengaluru-560034.
 - c) The Official Liquidator, Corporate Bhavan, No.26-27, 12th Floor, Raheja Towers, M.G.Road, Bengaluru-560095 -

who may govern the working of the respective companies involved in the scheme at least 30 days before the date fixed for hearing of the above Petition.

- iv. Further, notice shall also be served to Objector(s) or to their representative as contemplated under Sub-Section(4) of Section 230 of the Act who may have made representation and who have desired to be heard in their representation along with a copy of the Petition and the Annexures filed therewith at least 15 days before the date fixed for hearing.
- v. Objections, if any, to the Scheme contemplated by the authorities to whom notices have been given on or before the date of hearing fixed herein may be filed, failing which it will be considered that there is no objection to the approval of the Scheme on the part of the authorities by this Tribunal and subject to other condition being satisfied as may be applicable under the Companies Act, 2013 and relevant rules framed thereunder.
- vi. The next date of hearing of the Petition shall be on **11th September, 2017** for consideration of the approval of the Scheme of Amalgamation.


(ASHOK KUMAR MISHRA)
MEMBER, TECHNICAL


(RATAKONDA MURALI)
MEMBER, JUDICIAL