

IN THE NATIONAL COMPANY LAW TRIBUNAL  
BENGALURU BENCH

CP(CAA)NO.33/BB/17  
Under Section 230 to 232 of Companies Act, 2013

IN THE MATTER OF  
KARE POWER RESOURCES PRIVATE LIMITED

Order delivered on: 8<sup>th</sup> August, 2017

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

For the Petitioner (s) 1. Shri.Saji .P.John, Sr.Advocate

Per: Hon'ble Shri RatakondaMurali, Member (Judicial)

Heard on: 28.04.2017, 07.06.2017

**ORDER**

This Company Petition is filed by Petitioner Company 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 South Star Distilleries and Breweries Private Limited (Transferor Company) to be merged with Kare Power Resources Private Limited (Applicant/Transferee Company).

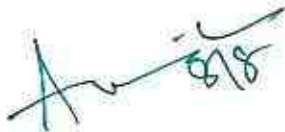
From the records, it is seen that the First Motion seeking direction to dispense with the meetings of the Equity Shareholders, Secured Creditors and Unsecured Creditors of the Transferor Company was filed before the Tribunal and was numbered as CA(CAA) No. 47/17.

Directions were issued by this Tribunal to dispense with the convening of meeting of Equity Shareholders, Secured Creditors and Unsecured Creditors in view of their written consent vide order dated 10<sup>th</sup> July, 2017 and is shown as **Annexure-H**.

After hearing the counsel we pass the following order:

- i. The date of hearing of the Petition filed by the Petitioner for the approval of the Scheme is fixed on 25<sup>th</sup> September, 2017.

- ii. Notice of the hearing shall be advertised in the newspapers namely, Bangalore Mirror and Vijaya Karnataka (Kannada Daily) 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) Regional Director, Ministry of Corporate Affairs, South-East Region, (b) Registrar of Companies, (c) Income Tax Department 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. The Petitioner shall file atleast 7 days before the date of hearing of the Petition an affidavit of service in relation to paper publication effected as well as service of notices on the Authorities specified above including the Sectoral Regulator as well as Objectors, if any.
- vi. Objections/ Representations, if any, to the Scheme contemplated by the authorities to whom notice has been given may be filed within 30 days from the date of receipt of notice, failing which it will be considered that there is no objections/ representations 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.
- vii. The next date of hearing of the Petition shall be on 25<sup>th</sup> September, 2017 for the consideration of the approval of the Scheme of Amalgamation.



(ASHOK KUMAR MISHRA)  
MEMBER, TECHNICAL



(RATAKONDA MURALI)  
MEMBER, JUDICIAL