

**NATIONAL COMPANY LAW TRIBUNAL  
CHANDIGARH BENCH, CHANDIGARH**

**CP (CAA) NO.02/Chd/Pb/2017**

In the matter of:

Sections 230 - 232 of the Companies Act, 2013

**AND**

In the matter of:

A composite Scheme of Arrangement and Amalgamation between:

Fortis Healthcare Limited ... Demerged Company

**AND**

SRL Limited ... Amalgamating Company

**AND**

Fortis Malar Hospitals Limited ... Resulting/Amalgamated Company

Present: Mr. Akshay Bhan, Senior Advocate with Ms. Shikha Tandon,  
Mr. Abhisekh Sangi and Ms. Samapika Biswal, Advocates  
for applicants.

This is the Second Motion Petition filed by the applicant-companies in terms of Rule 15 of the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016. Learned Senior Counsel for applicants *inter alia* contends that the First Motion Petition was disposed of by this Tribunal on 21.02.2017 directing certain meetings to be held and the report of the Hon'ble Chairman in respect of these meetings which were scheduled on 26.04.2017 and 27.04.2017 have been received. It is further contended that affidavits dated 10.05.2017 of Mr. Rahul Ranjan, Authorised Signatory of Fortis Healthcare Limited and Mr. Saurabh Chadha, Authorised Signatory of SRL Limited have been filed. In the affidavit of Mr. Rahul



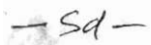

Ranjan, it is stated that a letter dated 13.04.2017 was received from the Commissioner of Income Tax relating to Fortis Healthcare Limited. The Income Tax Authorities informed the companies that they received the notices without any enclosures. It is stated in the affidavits that the required enclosures were handed over in the office of Chief Commissioner of Income Tax on 01.05.2017, but no further communication was received.

In the affidavit of Mr. Saurabh Chadha in respect of SRL, it is stated that letter dated 7.04.2017 was received from the Additional Commissioner of Income Tax asking for certain documents/information/clarifications to which the company sent response on 19.04.2017. It is further stated in the affidavit that a meeting was held in that connection with the Additional Commissioner of Income Tax on 02.05.2017 when again certain queries were raised and detailed reply dated 05.05.2017 with the requisite documents, was sent. It is also stated that no further communication was received from the Income Tax Department.

It is also further stated in the affidavits that after the filing of this petition, a letter dated 27.04.2017 has also been received from the Official Liquidator seeking certain documents/information/clarifications. SRL has sent the response to this letter vide communication dated 09.05.2017 to the Official Liquidator. Mr. D.K. Singh, Official Liquidator states that these documents have been handed over to him only yesterday. The Registry has also reported that no 'objections' have been received to the proposed Scheme by the Tribunal. As per office report, the Registrar of Companies, Punjab and Chandigarh has also given his report dated 02.05.2017 which may be inspected by the counsel for the applicants before the matter is fixed for hearing.

The matter is adjourned for hearing to 29.06.2017. Notice of hearing be published in daily Hindustan Times (English), Dainik Bhaskar (Hindi) and Daily Ajit (Punjabi), all Chandigarh Editions. The notice be also issued to the Chief Commissioner of Income Tax concerned who have sent their objections. Mr. D.K. Singh, Official Liquidator, Chandigarh is present and he has accepted the notice. He has been supplied copy of the Paper Book.

It is directed that the notices be sent to the aforesaid Authorities by Speed Post by attaching copy of the petition including Paper Book and the Scheme. Applicants would get the notices issued to these Authorities from the Registry of Tribunal by filing requisite process fee and mentioning complete addresses of the Chief Commissioners of Income Tax concerned and it will be the responsibility of the petitioner-companies to despatch the notices. It shall also be the responsibility of the petitioners to get the notices of hearing published in the Newspapers. The applicants shall file affidavits stating therein compliances along with postal receipts of despatch of the notices along with copies of the Newspapers at least 10 days before the date fixed. The notices by Speed Post be despatched within one week.

  
(Justice R.P. Nagrath)  
Member(Judicial)  
  
(Deepa Krishan)  
Member (Technical)

May 12, 2017  
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