

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

CP No.31/14/2017

RT CP No.264/Chd/Hry/2017

In the matter of:

Kundan Ispat LimitedPetitioner.

Present: Mr. Vinod Kumar, Advocate for the petitioner.

Learned counsel for the petitioner submits that affidavit alongwith documents has been filed vide Diary No.276 dated 24.01.2018 and that the Board of Directors of the petitioner company comprises of three directors, namely; Radha Kishan Agarwal, Vimal Kumar Agarwal and Umang Agrawal as stated in the petition with their separate DIN numbers. It is further contended that the Board of Directors of the petitioner company passed a resolution on 01.06.2016 for placing the agenda to convert the petitioner company from a public company to private limited company. The learned counsel further submits that the AGM was held on 30.06.2016 in which the approval to the aforesaid resolution Annexure-D was accorded by special agenda. The learned counsel further contends that there are in all eight shareholders of the petitioner company as per the list Annexure-L attached with the affidavit dated 19.01.2018 and as per minutes of the EOGM dated 30.06.2016 (Annexure-N of the affidavit) all the shareholders attended the meeting. The learned counsel further submits that Mr. Vinod Kumar Agarwal and Mr. Umang Agarwal, directors of the company have furnished the affidavit to comply with the proviso to sub-rule (3) of Rule 68 of the NCLT Rules. The

learned counsel for the petitioner filed an affidavit dated 04.01.2018 alongwith which the list of creditors and debenture holders as on 30.11.2017 is also attached as Annexure-H.

The matter be now listed for hearing on 02.04.2018. The individual notices of the hearing be issued to all the creditors as per the list furnished by the petitioner, in NCLT Form 3-B by registered post acknowledgement due together with the petition. Further notices be also sent to the Central Government through the Regional Director, Northern Region, Ministry of Corporate Affairs, New Delhi, Registrar of Companies by registered post acknowledgement due and also advertise the notice in two newspapers namely in The Statesman (English) and Veer Arjun (Hindi), Haryana editions for the said date. The petitioner is directed to file an affidavit of the authorised representative stating the aforesaid compliances by attaching the newspapers clippings, postal receipt and the track reports of the postal department. It be ensured that the notices are sent immediately preferably within three days and the notice be advertised in the newspapers at least fourteen days before the date fixed for hearing. The affidavit be filed at least three days before the date fixed.

Sd/-

(Justice R.P.Nagrath)
Member (Judicial)

February 01, 2018.
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