

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

**CA No.82/2017
a/w
CP (CAA) No.4/Chd/Pb./2017**

In the matter of:

C.Mohan Knittings Pvt. Limited.Transferor Company.

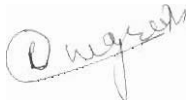
With

C.Mohan Fabrics Pvt. Limited.Transferee Company.

Present: Mr.Karanveer Jindal, Advocate along with
Mr.M.G.Jindal, Practising Company Secretary for
petitioner-companies.
Mrs.Amanpreet Kaur, STA for Official Liquidator on
behalf of Regional Director, New Delhi.

CA No.82 of 2017 is filed by learned counsel for the petitioners for condonation of delay and it is supported by an affidavit of the authorised representative of the applicant-companies. The learned counsel would however, submit that in this case, all the meetings were dispensed with and the second motion petition was filed in the Hon'ble High Court which has been received by transfer in this Tribunal. For the reasons stated in the application supported by affidavit, the delay, if any, is condoned in filing the second motion petition. CA No.82 of 2017 thus stands disposed of.

Learned counsel for the petitioners further submits that this petition is filed for confirming the Scheme of amalgamation of



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applicant No.1 company into applicant No.2 company. It is further submitted that all the meetings were dispensed with by the Hon'ble High Court, while disposing of the first motion petition.

Next step to be taken is as per Rule 16 of the Companies ' (Compromises, Arrangements and Amalgamations) Rules 2016. Since the notice to the statutory authorities was not issued while disposing of the first motion petition, the petitioner companies filed CP (CAA) No.1/Chd of 2017 in this Tribunal for making compliance to the aforesaid requirement. Vide order dated 23.03.2017, notices to the statutory authorities i.e. the Central Government through the Regional Director, Northern Region, New Delhi, Ministry of Corporate Affairs, New Delhi and Registrar of Companies, Punjab and Chandigarh and Chief Commissioner, Income Tax, Ludhiana, under whose jurisdiction the petitioner companies are being assessed were directed to be issued. It was also stated that there is no other regulatory authority in respect of both the companies. The learned counsel states that notice in Form CAA3 along with the Scheme and Explanatory Statement were sent to the aforesaid authorities. Learned counsel for the petitioners submits that the petitioners have filed copies of the track reports of the postal department in proof of the delivery of the notices to the statutory authorities in terms of the directions dated 23.02.2017. As per the track report, the notices were delivered to the statutory authorities on 20.03.2017 and 21.03.2017 as per the track reports.

(Overleaf)

The office has reported that no objection has been received from any of the authorities in the Tribunal. The learned counsel also contends that there is an averment in the petition in this regard that no such objection was even received by the applicant companies. The petition is also supported by an affidavit of the authorised representative. The reports of the Registrar of Companies and the Regional Director, Northern Region, New Delhi have already been filed.

Now the notice of hearing is to be published in terms of Rule 16 of the aforesaid Rules. The matter be now listed for hearing on 10.08.2017. The notice of the date of hearing be published in Daily Indian Express, (English) in Punjab Edition and Akali Patrika, (Punjabi) in Punjab Edition, not less than 10 days before the date fixed for hearing. The petitioner would file an affidavit stating the compliance along with copy of the newspapers clipping at least three days before the date fixed. Notice of this petition to the Official Liquidator and Ms.Amanpreet Kaur STA present for the Official Liquidator has accepted notice on behalf of the Official Liquidator.


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

July 06, 2017
Ashwani