

CA No.08/2016 ✓  
IN  
CP No.27/02/2013 ✓  
RT No.63/2016 ✓  
                    

Present: Ms. Anna Bansal, Advocate for applicant in the matter of M/s Ind-Swift Ltd.

Affidavit dated 10.11.2016 of Ms. Simrat Kaur, Company Secretary in compliance with the directions dated 09.11.2016 has been filed. Be taken on record. Now the petitioner has supplied names of ten officers of the company as per the requirement of Sr.No.8 of Annexure B schedule to the NCLT Rules, 2016. Initially the names of eight persons were given.

Prayer made in the instant petition is for seeking extension of time to enable the company to pay the dues of the depositors in terms of sub section 2 of Section 74 of the Companies Act, 2013. Learned counsel for petitioner inter alia, contends that earlier a similar Company Petition bearing No.27/01/2013 was filed and the Company Law Board vide order dated 30.09.2013 sanctioned a scheme imposing certain conditions. It is submitted that the petitioner company is complying with the directions of the Company Law Board and no default has so far been committed. However, it is submitted that the company is apprehending that there would be financial problem for meeting out the directions and further extension of 3 more years is being prayed.

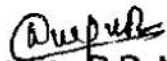
The learned counsel further contends that notice of this petition has already been served upon the Regional Director, New Delhi and the Registrar of Companies, Chandigarh copy of which is attached at page 718 of the Paper Book.

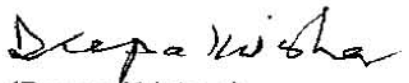
Notice of motion to the Registrar of Companies, Chandigarh and

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Regional Director, New Delhi for 15.12.2016. The Registrar of Companies, Chandigarh in consultation with the Regional Director would submit the report by the next date relating to the affairs of the company in terms of sub-rule 7 of Rule 73 of the NCLT Rules, 2016. Learned counsel for petitioner is also directed to publish the notice by way of advertisement in two newspapers, one 'Times of India' and another 'Dainik Bhaskar' having wide circulation. Learned counsel for petitioner is further directed to publish the list of the depositors with their complete addresses on the website of the company indicating in the advertisement that the list of depositors is available on its website. The objectors may file objection, if any by the next date. It is further made clear that filing of the instant petition will not refrain any of the aggrieved person to initiate proceedings against the company in case there is violation of the earlier order dated 30.09.2013 passed by the Company Law Board. Learned counsel for petitioner directed to file compliance affidavit regarding service of the Regional Director and the Registrar of Companies by taking Dasti notice and shall also get the advertisement published in the aforesaid newspapers within one week. The affidavit be filed at least three days before the date fixed.

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

  
(Deepa Krishan)  
Member(Technical)

November 11, 2016  
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