

NATIONAL COMPANY LAW TRIBUNAL
DIVISIONAL BENCH
CHENNAI

ATTENDANCE CUM ORDER SHEET OF THE HEARING OF CHENNAI BENCH, CHENNAI
NATIONAL COMPANY LAW TRIBUNAL, HELD ON 16/06/2017 AT 10.30 AM

PRESENT: SHRI Ch. MOHD SHARIEF TARIQ, MEMBER-JUDICIAL
SHRI. S.VIJAYARAGHAVAN (TECHNICAL MEMBER)

APPLICATION NUMBER :
PETITION NUMBER : TP(HC)/65&66/CAA/2017
NAME OF THE TRANSFEROR : BREEZE HOTEL LTD
NAME OF THE TRANSFERRE : BBCL BREEZE RESIDENCES PVT LTD
UNDER SECTION : 230

S.No.	NAME (IN CAPITAL)	DESIGNATION	SIGNATURE
REPRESENTATION BY WHOM			

1 PAWAN JHABARI for Petitioner Gmmane.
for Pawan Jhabari.

ORDER

Counsel for petitioner present. He submitted that this company application has been filed in C.P.No.1163 of 2016 before the Hon'ble High Court of Madras and stood transferred to this Bench. He submitted that the Hon'ble High Court by order dated 14.12.2016 was pleased to order for dispensing with the meeting of the equity shareholders. In relation to creditors, there are no secured creditors, but there are three unsecured creditors who have given consent on the letterhead. Counsel for petitioner undertakes to file their consent affidavits of the unsecured creditors of the Resulting company. We direct the Registry to issue notice to Regional Director, Ministry of Corporate Affairs, ROC concerned and Income Tax authorities. The applicant is private limited company and hence, there is no requirement to issue notices to RBI, SEBI and other regulators including the CCI. The applicant company is directed to effect publication in newspapers one in English "Business Standard" and another in vernacular language "Malai Chudar" having wider circulation in the State of Tamilnadu, at least not less than 30 days before the presentation of the petition. The applicant company is directed to upload the notice on its website and also display it on the notice board at its Registered Office. The Registry is also directed to display the notice on the notice board of this Bench. The applicant company is directed to issue private notice to the said regulators by way of speed post/hand delivery and file the proof of sending and effecting the service thereon along with the newspaper publication by way of an affidavit.

The applicant company is directed to present the company petition **on or before 21st of July 2017.**


(S.VIJAYARAGHAVAN)
MEMBER (TECHNICAL)


(CH. MOHD. SHARIEF TARIQ)
(MEMBER JUDICIAL)

ORDER

Counsel for petitioner present. He submitted that this company application has been filed in C.P.No.1164 of 2016 before the Hon'ble High Court of Madras and stood transferred to this Bench. He submitted that the Hon'ble High Court by order dated 14.12.2016 was pleased to order for dispensing with the meeting of the equity shareholders. In relation to creditors, there are no secured creditors, but only unsecured creditor who has given consent on the letterhead. Counsel for petitioner undertakes to file consent affidavit of the unsecured creditor of the demerged company. We direct the Registry to issue notice to Regional Director, Ministry of Corporate Affairs, ROC concerned and Income Tax authorities. The applicant is private limited company and hence, there is no requirement to issue notices to RBI, SEBI and other regulators including the CCI. The applicant company is directed to effect publication in newspapers one in English "Business Standard" and another in vernacular language "Malai Chudar" having wider circulation in the State of Tamilnadu, at least not less than 30 days before the presentation of the petition. The applicant company is directed to upload the notice on its website and also display it on the notice board at its Registered Office. The Registry is also directed to display the notice on the notice board of this Bench. The applicant company is directed to issue private notice to the said regulators by way of speed post/hand delivery and file the proof of sending and effecting the service thereon along with the newspaper publication by way of an affidavit.

The applicant company is directed to present the company petition on or before

21st of July 2017

S. Vijayaraghavan
(S.VIJAYARAGHAVAN)
MEMBER (TECHNICAL)

Munir
(CH. MOHD. SHARIEF TARIQ)
(MEMBER (JUDICIAL))

ORDER

Mr. Pawan Jhabakh, Counsel for Petitioner present and made submission relating to TP(HC)/65&66/CAA/2017 wherein on 16.06.2017, the order came to be passed and at the end it was mentioned that the petition be presented on or before 21.07.2017. The same is modified to the extent that the petition will be heard on 11.08.2017. Accordingly, the order stands modified. **Put up on 11.08.2017 at 10.30 A.M.**



(S. VIJAYARAGHAVAN)
MEMBER (TECHNICAL)



(CH. MOHD SHARIEF TARIQ)
MEMBER (JUDICIAL)

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