

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,
DIVISION BENCH, CHENNAI

Arguments heard on 04.04.2017

Order passed on 13.04.2017

Order rectified on 20.04.2017

TP(HC)/CAA/4, 5 & 6/2017

(connected with CP No.169, 170 & 171 of 2015 and
CA No.95 to 97, 98&99, 93&94 of 2015)
(Under Sections 391 to 394 of the Companies Act, 1956)

Between

M/s.Trinetra Cements Limited (1st Transferor company)

And

M/s.Trishul Concrete Products Limited (2nd Transferor Company)

And

M/s.The India Cements Limited (Transferee company)

Applicant companies represented by : Senior counsel Mr.P.S.Raman
Objectors represented by : Counsel Mr.Kapil Rustagi

CORAM

ANANTHA PADMANABHA SWAMY & CH MOHD SHARIEF TARIQ, MEMBERS (JUDICIAL)

ORDER

CH MOHD SHARIEF TARIQ, MEMBER(JUDICIAL) :- (ORAL)

1. A memo has been filed by the counsel on behalf of Transferee company, viz. M/s.The India Cements Limited stating therein that the scheme of amalgamation that has been sanctioned by this Bench vide order dated 13.04.2017 needs to be rectified in the light of the direction contained in the order dated 31.01.2017 passed by the Hon'ble High Court of Madras in the company applications C.A.93&94 of 2015 in C.P.171 of 2015 that stood transferred to NCLT and renumbered as TP(HC)/CAA/6/2017.

2. It is on record that at the time of final submission on the above mentioned company petition, this Bench was apprised of the directions passed by the Hon'ble High Court of Madras in the matter. But due to accidental slip/omission the same could not be recorded in the order dated 13.04.2017 and also in the Form No. CAA. Therefore, in exercise of the powers conferred under Rule 154 of the NCLT Rules r/w Rule 11, the order dated 13.04.2017 shall contain at the end of Para 14, the following :

“However, this order shall be subject to the directions given by the Hon'ble High Court of Madras on 31.01.2017 in C.P.No.171 of 2015.”

Accordingly the order dated 13.04.2017 stands rectified. The original Form CAA issued has been surrendered. Rectified Form CAA.7 shall be issued by the Deputy Registrar.


(K.ANANTHA PADMANABHA SWAMY)
(MEMBER (JUDICIAL))


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