

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH

CSP NO. 806 OF 2017

IN

CSA NO. 521 OF 2017

In the matter of the Companies Act, 2013 (18 of 2013);

AND

In the matter of Sections 230 to 232 and other applicable
provisions of the Companies Act, 2013 and Rules
framed thereunder as in force from time to time;

AND

In the matter of Scheme of Amalgamation between
Skywalk Builders Private Limited ("the Transferor
Company 1") and Devaangi Properties Private Limited
("the Transferor Company 2") and Ritechoice Trading
Company Private Limited ("the Transferor Company 3")
and Suburban Builders Private Limited ("the Transferor
Company 4") and Laksh Properties Private Limited ("the
Transferor Company 5") and Superline Constructions
Private Limited ("the Transferor Company 6") with
Kaalkaa Real Estate Private Limited ("the Transferee
Company") and their respective shareholders

Skywalk Builders Private Limited, a)
Company incorporated) under the)
provisions of Companies Act, 2013,)
having its registered office at Flat No.)
101, Sealine CHS Ltd., 16, Union Park,)
Pali Hill Road No. 4, Khar (West),)
Mumbai – 400052) ...First Petitioner Company.

Devaangi Properties Private Limited,

a Company incorporated under the
provisions of Companies Act, 1956,
having its registered office at 101 Sai
Pooja 1st Floor, Plot No 390, 16th Road
Rajni Maternity Home, Bandra West,
Mumbai - 400052

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)..Second Petitioner Company.

RITECHOICE COMPANY

TRADING PRIVATE LIMITED, a

company incorporated under the
Companies Act, 1956 having its
Registered Office at Shrikant Chambers,
Flat No 208, 2nd Floor, Chembur,
Mumbai - 400071

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)..Third Petitioner Company.

SUBURBAN BUILDERS PRIVATE

LIMITED, a company incorporated

under the Companies Act, 1956 having
its Registered Office at Flat No. 102,
Sealine CHS Ltd., 16, Union Park, Pali
Hill Road No. 4, Khar West, Mumbai-
400052

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)..Fourth Petitioner Company.

LAKSH PROPERTIES PRIVATE

LIMITED, a company incorporated

under the Companies Act, 1956 having
its Registered Office at 545/547, Bharat
Photo Houserom No 310, Kalbadevi,
Mumbai - 400002

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)..Fifth Petitioner Company.

SUPERLINE CONSTRUCTIONS

PRIVATE LIMITED, a company)

incorporated under the Companies Act,)

1956 having its Registered Office at A-)

29, 1st Floor, Satyam Shopping Centre,))

M.G. Road, Ghatkopar East, Mumbai -)

400077

) ..Sixth Petitioner Company.

KAALKAA REAL ESTATES)

PRIVATE LIMITED, a company)

incorporated under the Companies Act,)

1956 having its Registered Office at)

Khar Sant Niwas CHS Ltd, 2nd Floor,)

Plot No 394, Linking Road, 14th Road,)

Khar West, Mumbai 400052

)..Seventh Petitioner
Company.

Order delivered on 6th September, 2017

Coram:

Hon'ble **B.S.V. Prakash Kumar**, Member (J)

Hon'ble **V. Nallasenapathy**, Member (T)

For the Petitioner (s): Mr. Hemant Sethi i/b Hemant Sethi & Co. Advocates for
Petitioners

Per: **B.S.V. Prakash Kumar**, Member (J)

ORDER

1. Petition Admitted.
2. Petition fixed for hearing and final disposal on 27th September, 2017.
3. Learned Advocate for the Petitioner states that in pursuance of the directions contained in Order dated 22nd June, 2017 passed by the National Company Law Tribunal, Mumbai Bench ('Tribunal') in the Company Scheme Application No. 521 of 2017, the meeting of Equity Shareholders was held on Friday, 4th August, 2017 and the requisite quorum was present and the Scheme was approved unanimously by the Equity Shareholders without modifications. The Chairman appointed for the meeting of the equity shareholders has filed his affidavit verifying his report dated 9th August, 2017 which is annexed as Exhibit 'L1' to

'L7' the petition. There are no Secured Creditors of the Petitioner Company. As per the directions of the Hon'ble Tribunal, a notice to its Unsecured Creditors were given on 24th June, 2017.

4. The Learned Advocate for the Petitioner Company further submits that the Company Petition is filed in consonance with sections 230 to 232 along with the Order passed in Company Scheme Application No. 521 of 2017 by the Tribunal.
5. At least 10 days before the date fixed for hearing, Petitioner to publish the notice of hearing of Petition in two local newspapers viz. "Free Press Journal", in English language and translation thereof in "Navashakti", in Marathi language, both having circulation in Mumbai as per Rule 16 of the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016.
6. The Petitioner Company to file an affidavit of service regarding the directions given by the Tribunal three days before the date fixed for final hearing and do report to this Tribunal that the direction regarding the issue of advertisement of the notice has been duly complied with.

Sd/-

V. Nallasenapathy, Member (T)

Sd/-

B.S.V. Prakash Kumar, Member (J)