

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL

MUMBAI BENCH

CSP NO. 810 OF 2017

In the matter of the Companies Act, 2013

And

In the matter of Sections 230 to 232 of the
Companies Act 2013 and other applicable
provisions of the Companies Act, 2013;

And

In the matter of Section 391 to 394 and
other applicable provisions of the
Companies Act, 1956;

And

In the matter of Scheme of Amalgamation
(‘Scheme’) of Kundan Realtors Private
Limited and Jawala Real Estate Private
Limited and Lodha Aviation Private
Limited and Sarvavasa Buildtech & Farms
Private Limited (hereinafter collectively
referred to as ‘Transferor Companies’)
with Lodha Developers Private Limited
(‘Transferee Company’) and their
respective shareholders and creditors

Kundan Realtors Private Limited, }
a Company incorporated under the provisions of }
Companies Act, 1956 having its registered office }
at 412, 4th floor, 17G, Vardhaman Chamber, }
Cawasji Patel Road, Horniman Circle, Fort. }
Mumbai – 400001 }
CIN: U45400MH2010PTC202418 }.....Petitioner Company
Order delivered on 7th 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

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

ORDER

Petition admitted.

1. Petition fixed for hearing and final disposal on 27th September 2017.
2. Learned Counsel for the Petitioner Company submits that in pursuance of the Order dated 6th July, 2017 passed by this Tribunal in Company Scheme Application No.

473 of 2017, meeting of the Equity Shareholders of the Petitioner Company was convened and held on 14th day of August, 2017 for the purpose of considering and if thought fit, approving, with or without modification(s), the Scheme of Amalgamation of Kundan Realtors Private Limited and Jawala Real Estate Private Limited and Lodha Aviation Private Limited and Sarvavasa Buildtech & Farms Private Limited (hereinafter collectively referred to as ‘Transferor Companies’) with Lodha Developers Private Limited (‘Transferee Company’) and their respective shareholders and creditors. In the said meeting, the Scheme was approved by the requisite majority of the Shareholders present and voting at the meeting.

3. The Counsel for the Petitioner Company further submits that as directed by this Tribunal notices have been served upon all the Regulatory Authorities namely, (i) concerned Income Tax Authorities within whose jurisdiction the Petitioner Company’s assessments are made, (ii) the Central Government through the office of Regional Director, Western Region, Mumbai, (iii) Registrar of Companies, and (iv) the Official Liquidator, High Court, Bombay, as per Rule 8 of the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016.
4. At least 10 (ten) clear days before the date fixed for hearing, Petitioner Company to publish a notice of hearing of the Petition in 2 (two) local newspapers viz “Free Press Journal” in English and “Navshakti” in Marathi, both circulated in Mumbai.
5. The Petitioner Company to file an affidavit regarding the directions given by the Tribunal pertaining to advertisement of notice of hearing and 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)