

IN THE NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH

CSP NO.1029 OF 2017
IN
CSA NOS. 834 AND 839 OF 2017

In the matter of 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 Scheme of Amalgamation of Dow
Corning India Private Limited, the Transferor
Company with Dow Chemical International Private
Limited, the Transferee Company

Dow Corning India Private Limited

... Petitioner / Transferor Company

Order delivered on 8th November, 2017

Coram:

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

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

For the Petitioner: Mr. Janak Dwarkadas, Senior Counsel, Mr. Gaurav Joshi,
Senior Counsel, i/b Ms. Shiraz C Patodia, Mr. Ashish Singh and Ms. Divya
Sharma, Advocates for the Petitioner

Per: SH. B.S.V. Prakash Kumar, Hon'ble Member (J)

ORDER

1. Petition Admitted.
2. Petition fixed for hearing and final disposal on 13th December, 2017.
3. Learned Counsel for the Petitioner states that in pursuance of the
directions issued vide Order dated 13th September, 2017 passed by the

National Company Law Tribunal, Mumbai Bench in the Company Application Nos. 834 of 2017 and 839 of 2017, the meeting of Equity Shareholders was held on 23rd October, 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 has filed his affidavit verifying his Report dated 27th October 2017, which is annexed as Exhibit 'I' to the petition.

4. The Learned Counsel for the Petitioner Company further submits that the Company Petition is filed in consonance with section 230 to 232 of the Companies Act, 2013 along with the Order passed in Company Application Nos. 834 of 2017 and 839 of 2017 by the National Company Law Tribunal, Mumbai Bench.
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 15 and Rule 16 of the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016.
6. The Petitioner 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)