

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,

MUMBAI BENCH

COMPANY SCHEME PETITION NO 870 OF 2017

IN

COMPANY SCHEME APPLICATION NO. 676 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

In the matter of Scheme of Amalgamation of HIGH STREET ACCOUNTING

SERVICES PRIVATE LIMITED, Transferor Company having CIN No.

U70100MH2005PTC151123 with VISHAKHA IMPORTS PRIVATE LIMITED,

Transferee Company having CIN No. U51100MH1996PTC103350 and their

respective shareholders.

Vishakha Imports Private Limited,)
a Company incorporated under the provisions of)
Companies Act, 1956 having its registered office)
situated at Unit no. 1101, 11th Floor, B Wing,)
Peninsula Business Park, Ganpatrao Kadam Marg,)
Lower Parel, Mumbai- 400 013.) ...Petitioner Company

Order delivered on 09th November 2017

Coram:

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

Hon'ble V. Nallasenapathy, Member (T)

For the Petitioner(s): Mrs. Khushboo Shah Rajani i/b MDP & Partners

Per: V. Nallasenapathy, Member (T)

1. Petition admitted
2. Petition fixed for hearing and final disposal on 23 November 2017

3. Learned Counsel for the Petitioner Company submits that in pursuance of Order dated 06th July 2017 passed by this Tribunal in Company Scheme Application No. 676 of 2017, meeting of the Equity Shareholders of the Petitioner Company was convened and held at Unit no. 1101, 11th Floor, B Wing, Peninsula Business Park, Ganpatrao Kadam Marg, Lower Parel, Mumbai- 400 013 on 24th August 2017 at 11.00 am and the requisite quorum was present and Scheme was approved unanimously by the Equity Shareholders without modifications. The Chairman appointed for the meeting has filed his affidavit verifying his report dated 28 August 2017. The Tribunal was also pleased to direct the Petitioner Company to issue notices to all its unsecured creditors as on 06th July 2017 and invite representations, if any. The Petitioner Company has complied with the directions of the Tribunal regarding issue of notices to the unsecured creditors 2017 which is annexed as "Exhibit D-1" to the petition.
4. The Counsel for the Petitioner further submits that as directed by this tribunal, notices have been served upon all the Regulatory Authorities namely, (i) the Central Government, through the office of the Regional Director, Western Region, Ministry of Corporate Affairs, Mumbai, Maharashtra, (ii) the Registrar of Companies, Mumbai, (iii) the concerned Income Tax Authority within whose jurisdiction the Applicant Company's assessment as per Rule 8 of the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016. No representation is received by the Petitioner Company from any Regulatory Authority. The requisite information called for by the office of Regional Director has already been submitted by the Petitioner Company and no further information has been sought for.
5. 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 No. 676 by the National Company Law Tribunal, Mumbai Bench.

6. At least 10 days before the date fixed for hearing, Petitioner to publish the notice of hearing of Petition in two local newspapers viz 'Indian Express' in English and 'Navshakti' in Marathi, both having circulation in Mumbai as per Rule 16 of the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016.
7. 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)