

IN THE NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH

CSP NO 964 OF 2017  
IN  
CSA No. 757 of 2017

In the matter of the Companies Act, 2013;

AND

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

AND

In the matter of Scheme of Amalgamation of Spear Logistics Private Limited ('the Transferor Company') and FM India Supply Chain Private Limited ('the Transferee Company') and their respective Shareholders

Spear Logistics Private Limited .....First Petitioner Company  
(Transferor Company)

AND

FM India Supply Chain Private Limited .....Second Petitioner Company  
(Transferee Company)

Order delivered on 12<sup>th</sup> October , 2017

Coram:

Hon'ble **M.K. Shrawat** , Member (J)  
Hon'ble **V. Nallasenapathy**, Member (T)

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

Per: **V. Nallasenapathy**, Member (T)

**ORDER**

1. Petition Admitted.
2. Petition fixed for hearing and final disposal on 15<sup>th</sup> November, 2017.
3. Learned Counsel for the Petitioners states that in pursuance of the directions contained in Order dated 20<sup>th</sup> July, 2017 passed by this Tribunal in the Company Scheme Application No. 757 of 2017, the meeting of the Shareholders of the First and Second Applicant Company were convened and held at 1st Floor, Lalani Aura Bldg, 34th Bldg, Khar-West, Mumbai 400052, Maharashtra, India on September 4, 2017 at 1:00 PM and



3.00 PM respectively for the purpose of considering and, if thought fit, approving with or without modification(s) the proposed Scheme of Amalgamation of FM India Supply Chain Private Limited ('the Transferor Company') and FM India Supply Chain Private Limited ('the Transferee Company') and their respective shareholder and the Scheme was approved by requisite majority of the shareholders present and voted in favour of Scheme. The Chairman appointed for the meeting has filed his report dated 25<sup>th</sup> September, 2017.

4. The Learned Advocate 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 Scheme Application No. 757 of 2017 by the Tribunal.
5. The Counsel for the Petitioner further submits that as directed by this Tribunal notices have been served upon all the Regulatory Authorities namely, concerned Income Tax Authorities, Central Government through Regional Director and Registrar of Companies, Pune and to the Official Liquidator in so far as the First Transferor Company.
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 language and translation thereof in "Loksatta", in Marathi language, both having circulation in Mumbai and at Pune 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 (J)

Sd/-

M.K. Shrawat , Member (T)

Date: 12.10.2017