

**BEFORE THE NATIONAL COMPANY LAW TRIBUNAL**

**MUMBAI BENCH, MUMBAI**

**COMPANY SCHEME PETITION NO.943 OF 2017**

**CONNECTED WITH**

**COMPANY SCHEME APPLICATION NO. 64 OF 2017**

In the matter of the Companies Act, 1956;

And

In the matter of Section 391 to 394 of the  
Companies Act, 1956;

And

In the matter of Section 230 to 232 of the  
Companies Act, 2013;

And

In the matter of Shrishalibhadra Infraspac  
Private Limited (SSIPL)  
(Formerly known as Shalibhadra Finvest  
Service Pvt. Ltd.)

And

In the matter of the Scheme of  
Amalgamation of  
VIMALPRABHU INFRASPACE PRIVATE  
LIMITED (VIPL)  
FORMERLY KNOWN AS VIMALNATH  
TRADELINK PVT LTD.,  
**("Transferor Company No.1")**

And

SUVIDHI INFRASTRUCTURE PRIVATE  
LIMITED (SIPL)

(FORMERLY KNOWN AS SUVIDHI CAPTIAL  
SERVICE PVT LTD),

**(TRANSFEROR COMPANY NO.2)**

And

SHRISHALIBHADRA INFRASPACE  
PRIVATE LIMITED (SS IPL)

(FORMERLY KNOWN AS SHALIBHADRA  
FINVEST SERVICE PVT LTD)

**(TRANSFEROR COMPANY NO.3)**

WITH

MARVELL MALL DEVELOPMENTY  
COMPANY PVT LTD (MMD CPL)

**(TRANSFEE COMPANY)**

Shrisha libhadra Infraspace Private Limited )  
(formerly known as Sha libhadra Finvest )  
Service Pvt. Ltd., a company incorporate under the )  
Companies Act, 1956 and having its registered )  
office at 97, Ground Floor, 95/97, Parmanand )  
Building, Bhandari Street, Kumbharwada, Khetwadi )  
Girgaon, Mumbai 400 004. )...Petitioner

Order delivered on 18<sup>th</sup> of October, 2017

Coram:

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

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

For the Petitioner: Mr. Durgaprasad Poojari i/b PDS Legal  
Advocates for the Petitioner

Per: **B.S.V. Prakash Kumar**



### **MINUTES OF ORDER**

1. Petition Admitted.
2. Petition fixed for hearing on 29<sup>th</sup> November, 2017.
3. Learned Advocate for the Petitioner states that in pursuance of the direction contained in the Order dated 30<sup>th</sup> March, 2017 read with Order dated 23<sup>rd</sup> June, 2017 passed by the National Company Law Tribunal, Mumbai Bench in Company Scheme Application No.64 of 2017, meeting of Equity Shareholders of the Petitioner Company for the purpose of the considering and if thought fit, approving with or without modification(s) the proposed amalgamation embodied in the Scheme of Amalgamation between Vimalprabhu Infraspaces Private Limited, Suvidhi Infrastructure Private Limited, and Shrishalibhadra Infraspaces Private Limited with Marvell Mall Development Company Pvt. Ltd. and their respective Shareholders was held on 19<sup>th</sup> August, 2017 and the requisite quorum was present and the scheme was approved by all the shareholders without modifications. The Scrutinizer and the Chairman's report was filed before this Hon'ble Tribunal.
4. The Learned Advocate for the Petitioner states that the convening and holding of meeting of the unsecured creditors was not required to be held as the Petitioner Company has sent individual notices to all its unsecured creditors as per the directions contained in order dated 30<sup>th</sup> March, 2017 read with order dated 23<sup>rd</sup> June, 2017 passed by this Tribunal.



5. The Learned Advocate for the Petitioner further submits that as directed by this Hon'ble Tribunal notices have been served upon all the Regulatory Authorities viz., (i) Concerned Income Tax Authority within whose jurisdiction the Petitioner Company's assessments are made, (ii) Central Government through the office of the Regional Director, West Region, Mumbai Ministry of Corporate Affairs, (iii) Registrar of Companies, Mumbai and (iv) The Official Liquidator, High Court Bombay as per Rule 8 of the Companies (Compromises, Arrangement and Amalgamations) Rules, 2016.
6. The Learned Advocate appearing on behalf of the Petitioner Company states that the Petition has been filed in consonance with Sections 230-232 of the Companies Act, 2013 and the Order passed in Company Scheme Application No. 64 of 2017.
7. At least 10 days before the date fixed for hearing, Petitioner Company to publish the notice of hearing of Petition in two local newspapers viz., "Free Press Journal", in the English language and "Navshakti", in Marathi language, both having circulation in Mumbai.
8. The Petitioners to file an affidavit regarding the directions given by this Tribunal pertaining to advertisement of notice of 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)