

IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH

CSP No. 446 of 2017
In
CSA. No. 228 of 2017

Under Section 230 to 232 of CA 2013 and other applicable provisions of the Companies Act, 2013 ;

AND

In the matter of Scheme of Arrangement and Amalgamation between Neelkamal Infrastructures Private Limited (CIN: U45202MH2009PTC190424) (Transferor Company 1), Apex Techno Class Private Limited (CIN: U80904MH2011PTC215284) (Transferor company 2), Brahmakamal Realty Private Limited (CIN: U45202MH2009PTC190423) (Transferor Company 3) with Intensive Finance Private Limited (CIN: U65921MH2011PTC213129) (Transferee Company) and their respective Shareholders

Neelkamal Infrastructures Private Limited

.....Petitioner/Transferor Company 1

AND

Apex Techno Class Private Limited

.....Petitioner/Transferor Company 2

AND

Brahmakamal Realty Private Limited

.....Petitioner/Transferor Company 3

AND

Intensive Finance Private Limited

.....4th Petitioner/Transferee Company

Order delivered on 19th July 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**

Order

1. Petition admitted.
2. Petition fixed for hearing and final disposal on 10th August 2017.

3. Learned Counsel for the Petitioners submits that in pursuance of Order dated 15th March, 2017 passed by this Tribunal in Company Scheme Application No 228 of 2017, meetings of the Equity Shareholders of the First to fourth Petitioner Companies were convened and held at Office No. 27/29, 4th Floor, Vanka Mohalla, Kolbhatt Lane, Near Chira Bazar Mumbai – 400002 on 20th, April 2017 for the purpose of considering and, if thought fit, approving with or without modification(s) the proposed arrangement embodied in the Scheme of Arrangement between Neelkamal Infrastructures Private Limited (Transferor Company 1), Apex Techno Class Private Limited (Transferor company 2), Brahmakamal Realty Private Limited (Transferor Company 3) with Intensive Finance Private Limited (Transferee Company) and their respective Shareholders and the Scheme was approved by requisite majority of the shareholders present at the respective meetings. The Chairman of the said meetings has submitted his report stating the outcome of the meetings.
4. The Counsel for the Petitioners 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) Central Government through Regional Director, Western Region, Mumbai, and (iii) Registrar of Companies. No representation is received by the Petitioner Companies from any Regulatory Authority.
5. At least 10 clear days before the date fixed for hearing, Petitioner Companies to publish the notice of hearing of the Petition in two local newspapers viz. "Free Press Journal" in English and "Navshakti" in Marathi, both circulated in Mumbai.
6. The Petitioners to file an affidavit regarding the directions given by the 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)