

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH

CSP NO 874 OF 2017
IN
CSP NO 779 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 Hoerbiger India Serial Technology
Private Limited ("The Transferor Company") and Hoerbiger India Private
Limited (Transferee Company) and their respective Shareholders

Hoerbiger India Serial Technology Private Limited, a Company }
Incorporated under the provisions of Companies Act 1956, having }
its registered office at Gat No. 312, 313, Village Kondhapuri, }
Taluka Shirur, District Pune, Pune 412209, Maharashtra }
.....First Petitioner Company

AND

Hoerbiger India Private Limited, a Company Incorporated under }
the provisions of Companies Act 1956, having its registered office }
at Gat No 303/1, 312, 313, Village Kondhapuri, Taluka Shirur }
District Pune, Pune 412209, Maharashtra }
.....Second Petitioner Company

Delivered on 21st September, 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: **V .Nallasenapathy, Member (T)**

Order

1. Petition admitted.
2. Petition fixed for hearing on 12th October, 2017.
3. Learned Counsel for the First Petitioner Company submits that in pursuance of Order dated 19th July 2017 passed by this Tribunal in Company Scheme Application No 779 (MAH) of 2017, meeting of the Equity Shareholders of the First Petitioner Company was convened and held at Gat No. 303/1, 312, 313, Village Kondhapuri,

Taluka Shirur, District Pune-412209, Maharashtra on Monday, 4th September, 2017 at 11:00 A.M and the scheme was approved by requisite majority of the members present in the meeting. The meeting of the Equity Shareholders of the Second Petitioner company were held at Gat No. 303/1, 312, 313, Village Kondhapuri, Taluka Shirur, District Pune-412209, Maharashtra on Monday 4th September, 2017 at 11:30 A.M and the scheme was approved by requisite majority of the members present at the meeting.

4. 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 Transferor Company.
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. "Indian Express" in English and "Loksatta " in Marathi, both circulated in Pune.
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)