

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH

CSP No. 813 of 2017

In the matter of Sections 230 to 232 of the Companies Act, 2013 and other relevant provisions of the Companies Act, 2013 along with the Companies Act, 1956

And

In the matter of Scheme of Arrangement between Indira Investments Private Limited and Kamat Holdings Private Limited and Kamats Club Private Limited and Kamats Eateries Private Limited and Kamats Super Snacks Private Limited and Kamburger Foods Private Limited and Karaoke Amusements Private Limited and Nagpur Ecohotel Private Limited and VITS Hotels (Bhubaneswar) Private Limited (Collectively, the 'Transferor Companies') with Vishal Amusements Limited (the Transferee Company/Resulting Company) and their respective Shareholders and Creditors.

Kamburger Foods Private Limited

...Petitioner Company/
Transferor Company.

Order delivered on 21st September, 2017

Coram:

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

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

For the Petitioner(s): Mr. Ahmed M. Chunawala, Advocate along with Ms. Rubina Khan, Advocate i/b Fortis India Law, Advocates for the Petitioner

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

MINUTES OF THE ORDER

1. Petition Admitted.
2. Petition fixed for hearing and final disposal on 18th October, 2017.
3. Learned Counsel for the Petitioner states that in pursuance of the directions contained in Order dated 28th June, 2017 passed by the National Company Law Tribunal, Mumbai Bench in the Company Application No. 601 of 2017, the meeting of Equity Shareholders was held on 4th August, 2017 and the requisite quorum was present and the Scheme was approved unanimously by the Equity Shareholders without modifications. The Chairman appointed for the meeting has filed his affidavit dated 28th August 2017 verifying his report dated 5th August, 2017 which is annexed as Exhibit – 'H' to the petition.
4. The Learned Counsel for the Petitioner Company further submits that the Company Petition is filed in consonance with sections 230 to 232 of the Companies Act, 2013 along with the Order passed in Company Application No. 601 of 2017 by the National Company Law Tribunal, Mumbai Bench.
5. At least 10 days before the date fixed for hearing, Petitioner to publish the notice of hearing of Petition in two local newspapers viz. "Free Press Journal", in English language and translation thereof in "Navashakti", in Marathi language, both having circulation in Mumbai as per Rule 15 of the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016.

6. 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)