

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH

COMPANY SCHEME PETITION NO. 79 OF 2017

In the matter of the Companies Act,
2013 other relevant provision of the
Companies Act, 2013;

AND

In the matter of Sections 391 to 394
read with Sections 100 to 103 of the
Companies Act, 1956 and other
applicable provisions of Companies
Act 1956 (corresponding section 230
to 232 of the Companies Act, 2013;

AND

In the matter of Scheme of
Arrangement and Amalgamation of
Imkemex India Private Limited and
Imkemex International Private Limited
and Imkemex Marketing Private
Limited and their respective
shareholders and creditors

Imkemex International Private)
Limited, a company incorporated)
under the provisions of Companies)
Act, 1956 having its Registered)
Office at B 205, Navbharat)
Estates, 5E/172 Zakaria Bunder)
Road, Sewri West, Mumbai –).....Petitioner Company
400015.

Mr. Hemant Sethi i/b. Hemant Sethi & Co., Advocates for the Petitioner
Company

CORAM: B.S.V. Prakash Kumar, Member (Judicial)

V. Nallasenapathy, Member (Technical)

DATE: 27th January 2017

MINUTES OF THE ORDER

1. Petition admitted.
2. Petition fixed for hearing and final disposal on 16th day of March , 2017.
3. Learned Advocate for the Petitioner Company states that in pursuance of Order dated 27th October 2016 passed in CSD No. 854 of 2016, the meeting of the Equity Shareholders was dispensed with in view of consent given by all the six Equity Shareholders . There were no Secured and Unsecured Creditors in the Petitioner Company, therefore the question of convening meetings of Secured and Unsecured Creditors did not arise.
4. At least 10 clear days before the date fixed for hearing, Petitioner Company to publish the notice of hearing of the Petition in two newspapers, viz 'Free Press Journal', in English language and translation thereof in 'Navshakti, in Marathi language, both having circulation in Mumbai.
5. The Petitioner Company is also directed to serve notices along with copy of scheme upon:- (i) concerned Income Tax Authority with in whose jurisdiction the Petitioner Company's assessments are made, (ii) the Central Government through the office of Regional Director, Western region, Mumbai and (iii) Registrar of Companies, Mumbai with a direction that they may submit their representations, if any, within a period of thirty days from the date of receipt of such notice to the Tribunal with copy of such representations shall simultaneously be served upon the Petitioner Company, failing which, it shall be presumed that the authorities have no representations to make on the proposals.
6. The Petitioner Company is also directed to serve notice along with copy of scheme upon Official Liquidator. M/s M/s Nitin D Kshirasagar & Co.

Chartered Accountants are appointed to assist the Official Liquidator to scrutinize books of accounts of the Petitioner Company for the last 5 years. The Petitioner Company to pay fees of Rs. 30,000/- (after deducting applicable TDS) within a period two week from today.

7. Petitioner Company to file affidavit of service in the Registry proving service of notices to the Regulatory authorities as stated in clause 5 above and publication of notice in newspapers.

Sd/-

B.S.V. Prakash Kumar, Member (Judicial)

Sd/-

V. Nallasenapathy, Member (Technical)