

IN THE NATIONAL COMPANY LAW TRIBUNAL  
MUMBAI BENCH

CSP No. 691 of 2017

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

In the matter of Scheme of Amalgamation of ATC Tower Company of India Private Limited and ATC India Tower Corporation Private Limited and Transcend Infrastructure Private Limited and ATC Telecom Tower Corporation Private Limited and McCoy Developers Private Limited with ATC Telecom Infrastructure Private Limited and their respective shareholders

ATC Telecom Tower Corporation Private Limited .....**Petitioner Company**

Order delivered on 27<sup>th</sup> July 2017

Coram:

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

**V. Nallasenapathy, Member (Technical)**

For the Petitioner(s): Mr. Hemant Sethi i/b Hemant Sethi & Co

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

**Order**

1. Petition admitted.
2. Petition fixed for hearing and final disposal on 24<sup>th</sup> August 2017.
1. Learned Counsel for the Petitioner Company submits that in pursuance of Order dated 20<sup>th</sup> April, 2017 passed by this Tribunal in Company Scheme Application No 504 of 2017, meeting of the Equity Shareholders of the Petitioner Company was convened and held for the purpose of considering and if thought fit, approving, with or without modification(s), the proposed Scheme of Amalgamation of ATC Tower Company of India Private Limited and ATC

India Tower Corporation Private Limited and Transcend Infrastructure Private Limited and ATC Telecom Tower Corporation Private Limited and McCoy Developers Private Limited with ATC Telecom Infrastructure Private Limited and their respective shareholders and the Scheme was approved by requisite majority of the shareholders present at the meeting. The Chairman of the said meeting has submitted his report stating the outcome of the meeting.

2. The Counsel for the Petitioner further submits that as directed by this Tribunal notices have been served upon all the Regulatory Authorities namely, (i) concerned Income Tax Authorities with in whose jurisdiction the Petitioner Company's assessments are made, (ii) Central Government through Regional Director, Western Region, Mumbai, (iii) Official Liquidator and (iii) Registrar of Companies, Mumbai (iv) to the Department of Telecommunications, Ministry of Communications and Information Technology, Government of India.
3. 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.
4. 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)**