

166
06

BEFORE THE NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH

COMPANY SCHEME PETITION NO. 417 OF 2017
IN
COMPANY SCHEME APPLICATION NO. 262 OF 2017.

In the matter of the Companies Act, 2013 (18 of 2013);

AND

In the matter of Sections 230 to 232 and other applicable provisions of the Companies Act, 2013 and Rules framed thereunder as in force from time to time;

AND

In the matter of Scheme of Amalgamation of EBISU PRIVATE LIMITED ("Transferor Company") with CARNIWAL INVESTMENTS LIMITED ("Transferee Company") and their respective shareholders

CARNIWAL INVESTMENTS LIMITED,)
a company incorporated under the)
Companies Act, 1956 having its registered)
office at 208, Bezzola Complex CHS Ltd,)
2nd Floor, Sion Trombay Rd, Opp. Suman)
Nagar, Chembur, Mumbai – 400 071)
) ...Petitioner Company.

Called for Admission of Petition:

Rajesh Shah, Advocate along with Ahmed M. Chunawala, Advocate i/b Rajesh Shah & Co., Advocates for the Petitioner

Coram:

SH. B.S.V. Prakash Kumar Hon'ble Member (J), SH. V. Nallasenapathy, Member (T)

Date: 28th June, 2017.

MINUTES OF THE ORDER

1. Petition Admitted.
2. Petition fixed for hearing and final disposal on 26th July, 2017.
3. Learned Advocate for the Petitioner states that in pursuance of the directions contained in Order dated 23rd March, 2017 passed by the National Company Law Tribunal, Mumbai Bench ('Tribunal') in the Company Scheme Application No. 262 of 2017, the meeting of Equity Shareholders and Preference Shareholders was held on Thursday, 27th April, 2017 and the requisite quorum was present and the Scheme was approved unanimously by the Equity and Preference Shareholders without modifications. The Chairman appointed for the meeting of the equity shareholders has filed his affidavit verifying his report dated 27th April, 2017 which is annexed as Exhibit 'H' to the petition. The Chairman appointed for the meeting of the preference shareholders has filed his affidavit verifying his report dated 27th April, 2017 which is annexed as Exhibit 'H1' to the petition. There are no Secured Creditors of the Petitioner Company. As per the directions of the Hon'ble Tribunal, a notice to its Unsecured Creditors were given on 24th March, 2017.
4. The Learned Advocate for the Petitioner Company further submits that the Company Petition is filed in consonance with sections 230 to 232 along with the Order passed in Company Scheme Application No. 262 of 2017 by the Tribunal.
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 16 of the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016.

6. The Petitioner Company 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)