
(2021) 10 NCLT CK 0033

In the National Company Law Tribunal

Case No : CP (CAA) No. 117/KB/2021 Connected with CA (CAA) No. 354/
KB/2020

Alexcy Tradelinks Private Limited Vs

Date of Decision : 08-10-2021

Acts Referred:

Companies Act, 2013 — Section 230, 232

Companies (Compromises, Arrangements and Amalgamations) Rules, 2016 — Rule 16

Citation : (2021) 10 NCLT CK 0033

Hon'ble Judges : Rajasekhar V.K., Member (J); Harish Chander Suri, Member (T)

Bench : Division Bench

Final Decision : Disposed Of

Judgement

Rajasekhar V.K., Member (Judicial)

1. The Court convened by video conference on 8th October 2021.
2. Petition Admitted.
3. Petition fixed for hearing and final disposal on 29th October 2021.
4. Learned Authorized Representative for the Petitioner Companies states that vide order dated 18th March, 2021 passed by this Tribunal in CA (CAA) No. 354/KB/2020, the Meeting of Equity Shareholders was dispensed in view of the consents given by all the Equity Shareholders of the Petitioner Companies.
5. Meeting of Secured Creditors of the Transferor Companies was dispensed in view of fact that there are NIL Secured Creditors of the Transferor Companies.
6. Meeting of Unsecured Creditors of the Transferor Companies was dispensed in view of the consents given by all Unsecured Creditors of the Transferor Companies.
7. Meeting of Secured Creditors of the Transferee Company was dispensed in view of fact that there are NIL Secured Creditors of the Transferee Company.
8. Meeting of Unsecured Creditors of the Transferee Company was dispensed in

view of the fact that there are NIL Unsecured Creditors of Transferee Company.

9. The Learned Counsel for the Petitioner Companies further submits that the Company Petition is filed in consonance with section 230 to 232 of the Companies Act, 2013 and in terms of the Order passed in CA (CAA) No.354/KB/2020 by this Tribunal.

10. At least ten days before the date fixed for hearing, Petitioners to publish the notice of hearing of Petition in two local newspapers viz. Business Standard in English and translation thereof in Aajkal in Bengali, both having circulation in the State of West Bengal, as per rule 16 of the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016.

11. The Petitioner Companies shall host the notices on their websites, if any.

12. In addition to the above public notice, the petitioner companies shall serve notice of the petition on the following authorities namely -

(a) Central Government through Regional Director, Eastern Region, Ministry of Corporate Affairs.

(b) Registrar of Companies, West Bengal.

(c) The Income Tax Department of the office having jurisdiction over the respective petitioner companies.

(d) Notice along with the copy of the petition and other related documents should be served upon the Chief Commissioner of Income Tax and the Assessing Officer of the Income Tax Department by Mail and Speed Post or by Messenger.

Petitioner Companies are also directed to mention their respective PAN Nos. everywhere.

13. The notice shall specify that representations, if any should be filed before this Tribunal within 30 days of date of receipt of the notice with a copy of such representations being sent simultaneously to the petitioners and/or their Authorized Representatives. If no such representation is received by the Tribunal within the said period, it shall be presumed that such authorities have no representations to make on the proposed Scheme of Arrangement.

14. All the petitioner companies shall at least 7 days before the date of hearing of the petition file an affidavit of compliance in relation to the Paper Publication as well as service of notices on the Authorities specified above including the Sectoral Regulators

15. Urgent certified copy of this order, if applied or, be supplied to the parties, subject to compliance with all requisite formalities.