

(2021) 05 NCLT CK 0016

In the National Company Law Tribunal

Case No : Company Petition (CAA) No. 1090/MB Of 2020 In Company
Application (CAA) No. 753/MB Of 2020

Dirk India Private Limited

APPELLANT

Vs

Ambuja Cements Limited

RESPONDENT

Date of Decision : 05-05-2021

Acts Referred:

Companies (Compromises, Arrangements And Amalgamations) Rules, 2016 — Rule 8, 15

Citation : (2021) 05 NCLT CK 0016

Hon'ble Judges : Suchitra Kanuparthi, J;Rajesh Sharma, Member (Technical)

Bench : Division Bench

Advocate : Hemant Sethi, Vidisha Poonja

Judgement

1. The Court is convened by videoconference today.
2. Petition Admitted.
3. Petition fixed for hearing and final disposal on 5 July 2021.
4. Learned Counsel for the Petitioner Company states that in pursuance of the directions contained in Order delivered on 12 March 2020 passed by this Tribunal in C.A.(C.A.A.)753/MB/2020 the meetings of Equity Shareholders of the Petitioner Company was dispensed with in view of Consent Affidavits filed by the Equity Shareholders of the Petitioner Company.
5. Learned Counsel for the Petitioner Company states that in pursuance of the directions contained in Order delivered on 12 March 2020 passed by this Tribunal in C.A.(C.A.A.)753/MB/2020 there are no Secured Creditors in the Petitioner Company. In so far as the meeting of Unsecured Creditors are concerned the same was dispensed with since the rights of the Unsecured Creditors are not affected however, notices were issued to all

the Unsecured Creditors of the Petitioner Company as directed by this Tribunal.

6. Counsel for the Petitioner Company further submit that pursuant to the directions contained in the Order passed by this Tribunal in C.A.

(C.A.A.)753/MB/2020 Petitioner Company served notices upon the (i) Income Tax Authority ;(ii) Central Government through the concerned office

of the Regional Director and (iii) concerned Registrar of Companies (iv) Official Liquidator as per Rule 8 of the Companies (Compromises,

Arrangements and Amalgamations) Rules, 2016.

7. The Petitioner Company shall issue notices through R.P.A.D./Speed Post/Email/hand delivery upon:- (i) concerned Income Tax Authority within

whose jurisdiction the Petitioner Company's assessments are made; (ii) the Central Government through the concerned office of Regional

Director, Ministry of Corporate Affairs (iii) concerned Registrar of Companies (iv) Official Liquidator informing the date fixed for hearing.

8. At least 10 days before the date fixed for hearing, the Petitioner Company to publish the notice of hearing of Petition in two local newspapers viz.

Business Standard in English and translation thereof in Navshakti in Marathi, both having circulation in Maharashtra as per rule 15 of

the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016. The Petitioner will have option to publish notices online in the

respective e-newspaper editions.

9. The Petitioner shall host notices along with the copy of the scheme on their respective websites, if any.

10. The Petitioner Company shall file compliance report with the registry in regard to the directions given in this Order in lieu of customary affidavit of

service, due to lockdown situation prevailing now proving service of notices to the regulatory authorities and publication of notices in newspapers as

stated above and do report to this Tribunal that the directions regarding the issue of notices have been duly complied with.

11. Ordered accordingly. Pronounced in open court today.