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**Pawan Kr. Churiwal and ors. Vs. Pawan Projects Pvt Ltd and ors.**

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**SooperKanoon Citation** : sooperkanoon.com/1060838

**Court** : Kolkata

**Decided On :** Jun-25-2012

**Judge** : Sanjib Banerjee

**Appellant** : Pawan Kr. Churiwal and ors.

**Respondent** : Pawan Projects Pvt Ltd and ors.

**Judgement** :

CA No.413 of 2012 CP No.179 of 2008 IN THE HIGH COURT AT CALCUTTA ORIGINAL JURISDICTION IN THE MATTER OF: PRIME RETAIL INDIA PRIVATE LIMITED & ORS.AND PAWAN KR.

CHURIWAL & ORS.-VSPAWAN PROJECTS PVT LTD & ORS.BEFORE: The Hon'ble JUSTICE SANJIB BANERJEE Date :

25. h June, 2012.

Appearance: Mr.S.N.

Mookerjee, Sr.Adv.Mr.Shyam Sarkar, Sr.Adv.Mr.Pramit Roy, Adv.Mr.D.Basak, Adv.Mr.D.N.

Sharma, Adv.The Court : There is a serious charge of fraud which has been made by the applicants.

The applicants say that a company over which the applicants exercised overwhelming control has been sought to be merged into another with papers relied on before Court without any notice to or knowledge of the applicants.

Several persons seek to intervene.

No leave is granted yet to any person to intervene.

It is submitted on behalf of the transferee company that the applicants had ceased to be shareholders of the relevant transferor company long prior to the scheme of amalgamation being carried to Court for sanction.

It is also submitted that the relevant transferor company has been dissolved in the year 2009 and a period of more than two years has elapsed from the date of deposit of the certified copy of the order of dissolution with the Registrar of Companies.

It is necessary for the transferee company to produce whatever documents that may be in its possession for a prima facie assessment to be made as to whether the applicants ceased to be directors or shareholders of the relevant transferor company prior to the date of the fiRs.application being made to Court in connection with the scheme of amalgamation.

Let the matter appear for such purpose on June 27, 2011 for the relevant records to be produced by the transferee company.

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

(SANJIB BANERJEE, J.) kc.

AR(CR)

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