

Appellant Vs. Respondent

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SooperKanoon Citation : sooperkanoon.com/1155331

Court : Kolkata

Decided On : Jul-09-2014

Judge : Nadira Patherya

Appellant : Appellant

Respondent : Respondent

Judgement :

ORDER

SHEET CP No.570 of 2014 CA No.958 of 2011 IN THE HIGH COURT AT CALCUTTA Original Jurisdiction ORIGINAL SIDE IN THE MATTER OF : SWAL LTD.& ORS.BEFORE: The Hon'ble JUSTICE PATHERYA Date : 9th July, 2014.

Mr.Saunak Sengupta, Adv.for the petitioner The Court : By an order passed on September 29, 2011, meetings of the shareholders of all the companies was convened to be held for considering and if thought fit approving the proposed scheme of amalgamation of the petitioner Nos.2 to 6 with the petitioner No.1.

The meetings were duly convened and held on December 12, 2011 and the shareholders at each of such meetings duly approved the proposed scheme without any modification.

The chairpersons reports were also filed in accordance with the directions contained in the order passed on September 29, 2011.

The petitioner companies have filed the instant petition for confirmation of the scheme of amalgamation.

There is a delay of 918 days in filing the instant petition for confirmation of the scheme of amalgamation.

In view of the delay, let informal meetings of the shareholders of the petitioner companies be held to once again ascertain their approval to the proposed scheme of amalgamation.

Since the shareholders had approved the scheme in the earlier meetings convened and held on December 12, 2011, the formalities of issuance of notice, advertisements can be dispensed with for the informal meetings.

I appoint Mr.Rananjay Chatterjee, Advocate, Bar Association Room No.10 and failing him Mr.Asim Kr.

Chakraborti, Advocate, Bar Association Room No.14 as Chairman to hold an informal meeting with the Shareholders of the petitioner No.1 to ascertain their consent to such scheme and file a report before this Court within 10 days from date of the meeting.

I appoint Mr.Asish Das, Advocate, Bar Association Room No.15 and failing him Mr.Sanjeeb Seni, Advocate, Bar Association Room No.16 as Chairman to hold an informal meeting with the Shareholders of the petitioner No.2 to ascertain their consent to such scheme and file a report before this Court within 10 days from date of the meeting.

I appoint Mr.Subhas Jana, Advocate, Bar Association Room No.2 and failing him Mr.K.Moazzem Hossain, Advocate, Bar Association Room No.15 as Chairman to hold an informal meeting with the Shareholders of the petitioner No.3 to ascertain their consent to such scheme and file a report before this Court within 10 days from date of the meeting.

I appoint Mr.Asim Kr.

Chakraborti, Advocate, Bar Association Room No.14 and failing him Mr.Rananjay Chatterjee, Advocate, Bar Association Room No.10 as Chairman to hold an informal meeting with the Shareholders of the petitioner No.4 to ascertain their consent to such scheme and file a report before this Court within 10 days from date of the meeting.

I appoint Mr.Sanjeeb Seni, Advocate, Bar Association Room No.16 and failing him Mr.Asish Das, Advocate, Bar Association Room No.15 as Chairman to hold an informal meeting with the Shareholders of the petitioner No.5 to ascertain their consent to such scheme and file a report before this Court within 10 days from date of the meeting.

I appoint Mr.K.Moazzem Hossain, Advocate, Bar Association Room No.15 and failing him Mr.Subhas Jana, Advocate, Bar Association Room No.2 as Chairman to hold an informal meeting with the Shareholders of the petitioner No.6 to ascertain their consent to such scheme and file a report before this Court within 10 days from date of the meeting.

The informal meetings of each of the petitioner companies shall be held on Tuesday, July 29, 2014 at Nicco House, 2, Hare Street, 3rd Floor, Kolkata-700001.

Notices of such informal meetings shall also be served on the respective shareholders of the petitioner companies at least 10 days before the date of the meetings.

Each of the above Chairmen will be paid a remuneration of 300 GMs by the petitioner companies.

This petition shall be listed as Company Matter (New) on August 14, 2014 for the purpose of acceptance of the report and for admission of the petition and other consequential directions.

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

(PATHERYA, J.) TR/

