

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY SUMMONS FOR DIRECTION NO 230 OF 2015

In the matter of Companies Act, 1956

AND

In the matter of Sections 391 & 394 of
the Companies Act, 1956;

AND

In the matter of Scheme of
Amalgamation of Niraj Distributions
Private Limited with Day2Day
Supermarkets Private Limited

Niraj Distributions Private Limited,)
a company incorporated under the provisions of the)
Companies Act, 1956 having its registered office)
at A-204, Shyam Kamal, 2nd floor, Tejpal Road,)
Vile Parle (E), Mumbai- 400057,)....Applicant Company

Called Summons for Directions for hearing

Mr. Hemant Sethi with Mr. Ajit Singh Tawar i/b. Hemant Sethi & Co., for
Applicant

Coram: S. J. Katahwalla, J.

Date: 20th March, 2015

MINUTES OF THE ORDER

UPON the application of the Applicant Company above named by a Company Summons for Directions AND UPON HEARING Mr. Hemant Sethi instructed by M/S Hemant Sethi & Co., Advocates for the Applicant Company, AND UPON READING the Affidavit dated 2nd day of February, 2015 of Tilaksingh Parmar, Authorised Signatory of the Applicant Company, in support of Summons for Directions and the Exhibits therein referred to, IT IS ORDERED THAT:

1. The convening and holding the meeting of the Equity Shareholders of the Applicant Company for the purpose of considering and, if thought fit, approving, with or without modification(s), the proposed Scheme of Amalgamation of Niraj Distributions Private Limited with Day2Day Supermarkets Private Limited, is dispensed with in view of consent given by both the Equity Shareholders of the Applicant Company which are annexed as Exhibits C1 and C2 to the Affidavit in support of Company summons for Direction.
2. The question of convening and holding the meeting of the Secured Creditors does not arise, there are no Secured Creditors in the Petitioner Company as stated in paragraph 12 of Affidavit in Support of the Company Summons for Direction.

3. The convening and holding the meeting of the Unsecured Creditors of the Applicant Company for the purpose of considering and, if thought fit, approving, with or without modification(s), the proposed Scheme of Amalgamation of Niraj Distributions Private Limited with Day2Day Supermarkets Private Limited, is dispensed with in view of consent given by the Unsecured Creditor of the Applicant Company which is annexed as Exhibit-D to the Affidavit in support of Company summons for Direction.

(S.J. KATHAWALLA, J)