

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY SUMMONS FOR DIRECTION NO.436 OF 2015

In the matter of the Companies Act, 1956;
And

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

And

In the matter of Shri Shankheshwara
Multipurpose Infratech Private Limited;

And

In the matter of the Scheme of Amalgamation of:

Shri Shankheshwara Multipurpose Infratech
Private Limited **(Transferor Company)**

With

Marvell Mall Development Company Private
Limited
(Transferee Company)

Shri Shankheshwara Multipurpose	]	
Infratech Private Limited	]	
A Company registered under the	]	
Companies Act, 1956 and having	]	
its Registered Office at 95, Bhandari Street,	]	
Ground Floor, Room No 1,	]	
Near Goal Devol Temple, Girgaon	]	
Mumbai -400 004.	]	...Applicant

Called Summons for Directions for hearing

Mr. Prakash Shah a/w. Mr. Durgaprasad Poojari i/b PDS Legal, for Applicant

Coram: **S.C. GUPTE J.**
Date: 12TH June, 2015

MINUTES OF THE ORDER

UPON the application of the Applicant Company above named by a Company Summons for Directions and UPON HEARING Mr. Prakash Shah instructed by PDS Legal, Advocates for the Applicant Company, AND UPON READING the Affidavit dated 25th March, 2015 of Mr. Sandeep Doshi, the Director of the Applicant Company, in support of Summons for Directions and the Exhibits therein referred to, **IT IS ORDERED THAT:**

1. 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 Shri Shankheshwara Multipurpose Infratech Private Limited with Marvell Mall Development Company Private Limited and their respective shareholders and creditors, is dispensed with in view of the consents given by all the ten Equity Shareholders of the Applicant Company, which are annexed as **Exhibit “E1” to “E10”** to the Affidavit in support of the Summons for Directions.
2. 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 Shri Shankheshwara Multipurpose Infratech Private Limited with Marvell Mall Development Company Private Limited is dispensed with in view of the consent of the 100% in number and value of Unsecured Creditors of the Applicant Company in writing as mentioned in paragraphs 24 and 25 of the Affidavit in support of Summons for Direction.

The Applicant Company undertakes to serve individual notice of the hearing of the Petition to all its Unsecured Creditors by R.P.A.D. and also undertakes to publish the same in two newspapers i.e. 'the Free Press Journal' [in English language] and translation thereof in 'Navashakti' [in Marathi language] both having circulation in Mumbai.

3. There are no Secured Creditors of the Applicant Company. Hence, the question of convening and holding of the meeting of the Secured Creditors of the Applicant Company does not arise.

(S.C. GUPTE J.)