

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY SUMMONS FOR DIRECTION NO 778 OF 2015

In the matter of the Companies Act, 1956
(1 of 1956);

and

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

and

In the matter of Scheme of Amalgamation
of Golden Ark Real Estates Private Limited
and New India TransTrade Limited with
Elder Builders Private Limited and their
respective shareholders

Elder Builders Private Limited,)
a company Incorporated under)
the provisions of Companies Act, 1956 having)
its Registered Office at E/704, Mahavir Darshan)
Charkop Sector No 2, Near Charkop Police Station,)
Kandivali (West), Mumbai 400067, Maharashtra)

...Applicant Company

Called Summons for Direction for hearing

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

Coram: S. C. Gupte, J.

Date: 9TH OCTOBER 2015

MINUTES OF THE ORDER

UPON the application of the Applicant Company above named by a 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 25th August, 2015 of Mr. T. V. Dwaraknath, Authorised Signatory of the Applicant Company, in support of Summons for Directions and the Exhibits referred therein, IT IS ORDERED THAT:

1. The convening and holding of the meeting of 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 Golden Ark Real Estates Private Limited and New India TransTrade Limited with Elder Builders Private Limited and their respective shareholders, is dispensed with in view of consent given by both the Equity Shareholders of the Applicant Company which are annexed as **Exhibits 'I-1' and 'I-2'** to the Affidavit in support of Company Summons for Direction.
2. The question of convening and holding the meeting of Secured Creditors does not arise since there are no Secured Creditors in the Applicant Company as stated in paragraph 12 of the Affidavit in support of 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 Golden Ark Real Estates Private Limited and New India TransTrade Limited with Elder Builders Private Limited and their respective shareholders, is dispensed with in view of consent given by the sole Unsecured

Creditor of the Applicant Company which is annexed as **Exhibit 'J-2'** to the Affidavit in support of Company Summons for Direction.

(S C Gupte, J)

CERTIFICATE

I certify that this Order uploaded is a true and correct copy of original signed order.

Uploaded by: Shankar Gawde, Stenographer