

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY SUMMONS FOR DIRECTION NO. 281 OF 2016

IN THE MATTER OF COMPANIES ACT,
1956

AND

IN THE MATTER OF SECTIONS 391 AND
394 OF THE COMPANIES ACT, 1956

AND

IN THE MATTER OF SCHEME OF
AMALGAMATION BETWEEN RASHMI
PROCESSORS PRIVATE LIMITED WITH
SHREE AGARWAL FABRICS PRIVATE
LIMITED AND THEIR RESPECTIVE
SHAREHOLDERS AND CREDITORS

SHREE AGARWAL FABRICS PRIVATE LIMITED)
a company duly incorporated under the)
Companies Act, 1956 having its Registered Office)
at Trishla, 2nd floor, 122, Zaveri Bazar,)
Mumbai -400 002, Maharashtra) ..APPLICANT

Called Company Summons For Direction For Hearing
Mr. Bruno Castellino i/b Pandya & Co., Advocate for Applicant

CORAM : B. P. COLABAWALLA J.
DATE : 22ND APRIL, 2016

MINUTES OF ORDER

Upon the Application of the Applicant Company abovenamed, by Summons for Directions AND UPON HEARING the Advocate for the Applicant Company AND UPON READING the Affidavit dated 25th January, 2016 of Mr. Vinod G.Dharnidharka, Director of the Applicant Company in support of the Summons for Direction and Exhibits therein referred to, IT IS ORDERED:

1. That 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 RASHMI PROCESSORS PRIVATE LIMITED with SHREE AGARWAL FABRICS PRIVATE LIMITED and their respective shareholders and creditors is dispensed with in view of the consents given by all the seven (7) Equity Shareholders of the Applicant Company , set out in paragraph No. 21 therein which are annexed as Exhibits “I-1” to” E- 7” to the affidavit in support of the Summons For Direction.
2. That the question of convening and holding the meeting of Preference Shareholders does not arise as there are no Preference Shareholders of the Applicant Company as mentioned in Paragraph No. 22 of the Affidavit in Support of Summons For Direction.
3. That the question of convening and holding the meeting of Secured Creditors does not arise as there are no Secured Creditors of the Applicant Company as mentioned in Paragraph No. 23 of the Affidavit in Support of Summons For Direction.
4. That convening and holding the meeting of 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 RASHMI PROCESSORS PRIVATE LIMITED with SHREE AGARWAL FABRICS PRIVATE LIMITED and their respective shareholders and creditors is dispensed with in view of the

payments made to all 52 Unsecured Creditors of the Applicant Company, set out in paragraph No. 24 therein which is annexed as Exhibits “J” to the affidavit in support of the Summons For Direction.

(B.P.COLABAWALLA .J)

CERTIFICATE

“I certify that the Order uploaded is a true and correct copy of the original signed Order “

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