

THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

COMPANY SUMMONS FOR DIRECTION NO. 333 OF 2016.

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 other
relevant provision of Companies Act,
2013;

AND

In the matter of Scheme of
Amalgamation of Shree Ganpati Jute
Products Private Limited, the First
Transferor Company, Mahavir
Greenhouse Projects Private Limited,
the Second Transferor Company,
Durgapur Sponge Private Limited, the
Third Transferor Company and Shree
Veer Balaji Textiles Private Limited the
Fourth Transferor Company with Harit
Fabtex (India) Private Limited, the
Transferee Company.

Durgapur Sponge Private Limited, a)
company incorporated under the)
Companies Act, 1956 having its)
registered office at situated at Office -)
6, E-4 Bulding, Shree Arihant)
Complex, Kalher Village, Bhiwandi,)
Maharashtra- 421302) ...Applicant Company.

Called Summons for Direction for hearing

Mr. Chandrakant Mhadeshwar, Advocates for the Applicant Company.

Coram: B.P. Colabawalla, J.

Date: 22nd April, 2016

MINUTES OF ORDER

UPON the application of the Applicant Company above named by a

Summons for Direction AND UPON HEARING Mr. Chandrakant Mhadeshwar, Advocates for the Applicant Company, AND UPON READING the Affidavit dated 29th day of March, 2016 of Mr Sushilkumar Gajanand Sharma, Director of the Applicant Company, in support of Company Summons for Direction and the Exhibits referred to therein, 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 Shree Ganpati Jute Products Private Limited, the First Transferor Company, Mahavir Greenhouse Projects Private Limited, the Second Transferor Company, Durgapur Sponge Private Limited, the Third Transferor Company and Shree Veer Balaji Textiles Private Limited the Fourth Transferor Company with Harit Fabtex (India) Private Limited, the Transferee Company, is dispensed with in view of the consent given by all four Equity Shareholders of the Applicant Company which are annexed as Exhibits “C-1” to “C-4” to the Affidavit in Support of Company Summons for Direction.

2. There are no Secured Creditors of the Applicant Company as stated in paragraph 11 of the Affidavit in Support of Company Summons for Direction. Hence, the question of convening and holding meeting of Secured Creditors does not arise.

3. The convening and holding of 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 Shree Ganpati Jute Products Private Limited, the First Transferor Company, Mahavir Greenhouse Projects Private Limited, the Second Transferor Company, Durgapur Sponge Private Limited, the Third Transferor Company and Shree Veer Balaji Textiles Private Limited the Fourth Transferor Company with Harit Fabtex (India) Private Limited, the Transferee Company, is dispensed with in view of the averments made in paragraph 12 of the Affidavit in support of the Summons for Direction. The Applicant Company undertakes to issue individual notices of hearing of the Petition to all its Unsecured Creditors by R.P.A.D. and also publish the same in 'Free Press Journal', in English, language and a translation thereof in 'Navshakti' in Marathi language both having circulation in Mumbai. The said undertaking is accepted.

(B.P. Colabawalla, J.)

CERTIFICATE

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

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