

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY SUMMONS FOR DIRECTIONS NO.713 OF 2016

In the matter of the Companies Act 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 and Arrangement of M/s. Bhoir Offshore Private Limited,

WITH

M/s. Bhoir Dredging Company Private Limited and Their Respective Shareholders and Creditors

Bhoir Offshore Private Limited, a)
company incorporated under the)
Companies Act, 1956 having its)
registered office at 318, Maker)
Chambers, Nariman Point,)
Mumbai-400021, Maharashtra,)
India.) ...Applicant Company

Called for Summons for Direction

Mr. Rahul Oak, Advocate for the Applicant

Coram: B. P. Colabawalla, J.

Date : 12th August, 2016

MINUTES OF THE ORDER

UPON the application of the Applicant Company abovenamed by a Summons for Direction AND UPON HEARING Mr. Rahul Oak, Advocate for the Applicant Company, AND UPON READING the Affidavit Dated 31st day of March, 2016 Mr. Siddharth Shankar Bhoir, Authorised Signatory of the Applicant Company, in support of the

Summons for Direction and the Exhibits therein referred to, IT IS ORDERED:-

1. The convening and holding of 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 and Arrangement of Bhoir Offshore Private Limited with Bhoir Dredging Company Private Limited and Their Respective Shareholders and Creditors, is dispensed in view of the consents given by the all ten Equity Shareholders of the Applicant Company, which are annexed as Exhibits “C-1” to “C-10” to the Affidavit in support of Summons for Direction.

2. The convening and holding of the meeting of the Secured 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 and Arrangement of Bhoir Offshore Private Limited with Bhoir Dredging Company Private Limited and Their Respective Shareholders and Creditors, is dispensed in view of the consents given by the all six Secured Creditors of the Applicant Company, which are annexed as Exhibits “D-1” to “D-6” to the Affidavit in support of Summons for Direction. However, the said consents letters are under office objection, hence the Applicant Company undertakes to issue individual notices of hearing of the Petition to all its Secured 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.

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 and Arrangement of Bhoir Offshore Private Limited with Bhoir Dredging Company Private Limited and Their Respective Shareholders and Creditors, is dispensed with in view of the averments made in paragraph 27 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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