

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY SUMMONS FOR DIRECTION NO. 603 OF 2016

In the matter of the Companies Act, 1956/2013

AND

In the matter of application under Sections 391 to 394
of the Companies Act, 1956.

AND

In the matter of Aditya Findings Private Limited, a
company incorporated under the provisions of the Act,
1956

AND

In the matter of SCHEME OF AMALGAMATION
OF
UDAYAN DEVELOPERS PRIVATE LIMITED
WITH
ADITYA FINDINGS PRIVATE LIMITED

AND

Their Respective Shareholders And Creditors

Aditya Findings Private Limited, a
company incorporated under the provisions
of the Companies Act, 1956 and having its
registered office at Ground Floor, Unit
No.32-A Building, Virwani Industrial
Estate, Western Express Highway,
Goregoan (E), Mumbai-400063.

.....Applicant/ Transferee Company

Called Summons for Direction for Hearing

CORAM: B.P. Colabawalla

DATE: 8th July, 2016

Mr. Naser Ali a/w. Shabbir Z. Jariwala i/b. M/s. Thakore Jariwala & Associates,
Advocates for Applicant

MINUTES OF THE ORDER

UPON the application of Aditya Findings Private Limited, the Applicant above named by Summons for Direction AND UPON hearing Mr. Naser Ali, Advocate for the Company and upon reading the Affidavit dated 6th May, 2016 of Parag Navinbhai Shah, the Director of the Applicant Company, in support of Summons for Direction, IT IS ORDERED:

1. That convening and holding the Meeting of the Equity Shareholders of the Applicant / Transferee Company, for the purpose of considering and, if thought fit, approving, with or without modification(s), the proposed Scheme of Amalgamation of M/s. Udayan Developers Private Limited with M/s. Aditya Findings Private Limited and their respective shareholders and creditors is dispensed in view of the consents given by all the three Equity Shareholders of the Applicant / Transferee Company, which are annexed as Exhibits 'J-1 to J-3' to the Affidavit – in – Support of the Summons for Direction.
2. That convening and holding the Meeting of the Preference Shareholders of the Applicant / Transferee Company, for the purpose of considering and, if thought fit, approving, with or without modification(s), the proposed Scheme

of Amalgamation of M/s. Udayan Developers Private Limited with M/s. Aditya Findings Private Limited and their respective shareholders and creditors is dispensed in view of the consent given by the sole Preference Shareholder of the Applicant / Transferee Company, which is annexed as Exhibits 'K-1 ' to the Affidavit – in – Support of the Summons for Direction.

3. There is no Secured Creditor of the Applicant Company as stated in paragraph 26 of the Affidavit in support of Summons for Direction. Hence, the question of convening and holding the meeting of Secured Creditors does not arise.
4. That convening and holding the Meeting of the Unsecured Creditors of the Applicant / Transferee Company, for the purpose of considering and, if thought fit, approving, with or without modification(s), the proposed Scheme of Amalgamation of M/s. Udayan Developers Private Limited with M/s. Aditya Findings Private Limited and their respective shareholders and creditors is dispensed in view of the consent given by the sole Unsecured Creditor of the Applicant / Transferee Company, which is annexed as Exhibits 'L-1 ' to the Affidavit – in – Support of the Summons for Direction.

(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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