

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY SUMMONS FOR DIRECTION NO. 511 OF 2016

In the matter of the Companies Act,
1956 (1 of 1956) (or re-enactment
thereof upon effectiveness of
Companies Act, 2013);

AND

In the matter of Sections 391 to 394 of
the Companies Act, 1956 (or any
corresponding provision of Companies
act, 2013 as may be notified);

AND

In the matter of Scheme of Amalgamation
of

- 1) Mahasen Developers & Farms Private
Limited,
- 2) Shri Bhairav Properties & Agrofarms
Private Limited,
- 3) Siddheshwer Real Estate Private
Limited,
- 4) Balaji Hi-Tech Reality And Engineers
Private Limited,
- 5) Aashi Realities Private Limited

With

Arhanathji Builders And Farms Private
Limited

and

their respective Shareholders and
Creditors

Balaji Hi-Tech Reality And Engineers)
Private Limited, a company)

incorporated under the Companies Act,)
1956 having its Registered Office at)
Floor-2nd, Plot-4, Fida Mansion, Bibijan)
Street, Off Nagdevi Street, Pydhonie,)
Mandvi, Mumbai, Maharashtra -)
400003, India) ...Applicant Company.

Called Summons for Direction for hearing

Ms. Shruti Kelji a/w. Ms. Sunila Chavan and Mr. Ameya Lambhate,
Advocates for Applicant

Coram: B. P. Colabawalla, J.

Date: 1st July, 2016

MINUTES OF THE ORDER

UPON the application of the Applicant Company abovenamed by a Company Summons for Direction AND UPON HEARING Ms. Shruti Kelji, Advocate for the Applicant Company, AND UPON READING the Affidavit dated 30th May, 2016 of Mr. Biren Mehta, Authorized Signatory of the Applicant Company, in support of the Summons for Direction and the Exhibits therein referred to, 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 Mahasen Developers & Farms Private Limited, Shri Bhairav Properties & Agrofarms Private Limited, Siddheshwer Real Estate Private Limited, Balaji Hi-Tech Reality And Engineers Private Limited And Aashi Realities Private Limited with Arhanathji Builders And Farms Private Limited and their respective Shareholders and Creditors, is dispensed with in view of the consent given by both the Equity Shareholders of the Applicant Company, which are annexed as Exhibits 'C-1' and

‘C-2’ to the Affidavit in support of the Company Summons for Direction.

2. The convening and holding 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 of Mahasen Developers & Farms Private Limited, Shri Bhairav Properties & Agrofarms Private Limited, Siddheshwer Real Estate Private Limited, Balaji Hi-Tech Reality And Engineers Private Limited And Aashi Realities Private Limited with Arhanathji Builders And Farms Private Limited and their respective Shareholders and Creditors, is dispensed with in view of the averments made in paragraph 12 of the Affidavit in support of the Company Summons for Direction, inter-alia stating that the Secured Creditors of the Applicant Company are not in any manner affected by the Scheme nor is there any compromise or arrangement envisaged in the Scheme with the Secured Creditors of the Applicant Company and that the Applicant Company undertakes to issue individual notice of date of hearing of Petition by Registered Post A. D. to all its Secured Creditors and also undertakes to publish the same in two local news-papers viz. ‘Free Press Journal’, in English language and translation thereof in ‘Navshakti’, in Marathi language, both having circulation in Mumbai. The said undertaking is accepted.
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 Mahasen Developers & Farms Private Limited, Shri Bhairav Properties & Agrofarms Private Limited, Siddheshwer Real Estate Private Limited, Balaji Hi-Tech Reality And Engineers

Private Limited And Aashi Realities Private Limited with Arhanathji Builders And Farms Private Limited and their respective Shareholders and Creditors, is dispensed with in view of the averments made in paragraph 13 of the Affidavit in support of the Company Summons for Direction, inter-alia stating that the Unsecured Creditors of the Applicant Company are not in any manner affected by the Scheme nor is there any compromise or arrangement envisaged in the Scheme with the Unsecured Creditors of the Applicant Company and that the Applicant Company undertakes to issue individual notice of date of hearing of Petition by Registered Post A. D. to all its Unsecured Creditors and also undertakes to publish the same in two local news-papers viz. 'Free Press Journal', in English language and translation thereof in 'Navshakti', in Marathi language, both having circulation in Mumbai. The said undertaking is accepted.

(B. P. Colabawalla, J.)

C E R T I F I C A T E

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

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