

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY SUMMONS FOR DIRECTION NO. 53 OF 2016

In the matter of the Companies Act, 1 of
1956 and other relevant provision of
Companies Act, 2013;

AND

In the matter of Section 391 and 394 of the
Companies Act, 1956 and other relevant
provision of Companies Act, 2013;

AND

In the matter of Scheme of Amalgamation of
Evershine Nests Private Limited ('the First
Transferor Company')

AND

Devsheel Estate Private Limited ('the Second
Transferor Company')

WITH

Evershine Builders Private Limited ('the
Transferee Company')

AND

Their Respective shareholders

EVERSHINE NESTS PRIVATE LIMITED, a]
Company registered under Companies Act, 1956,]
having its registered office at 215 Veena Beena,]
Shopping Centre, 2nd Floor, Opp. Bandra Station,]
Bandra (W), Mumbai-400050.]

..Applicant Company

Called for Summons for Direction for Hearing

Coram: K. R. Shriram J

Dated: 12th February, 2016

Mr. Prashant H. Bare i/b. Bare Legal Chambers, Advocates for the
Applicant.

MINUTES OF THE ORDER

UPON the Application of the Applicant Company by a Summons for Direction AND UPON Hearing Mr. Prashant H. Bare instructed by Bare Legal Chambers, Advocates for the Applicant Company, AND UPON READING the Affidavit dated 6th November, 2015 of Mr. Rajesh Upadhyay, Authorised Signatory of the Applicant Company in Support of Summons for Direction and the Exhibits referred therein to, **IT IS ORDERED:**

1. That 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 modifications, the proposed Scheme of Amalgamation of Evershine Nests Private Limited, the First Transferor Company and Devsheel Estate Private Limited, the second Transferor Company with Evershine Builders Private Limited, the Transferee Company and their respective shareholders, is dispensed with in view of the consents given by all the three Equity Shareholders of the Applicant Company which are annexed and marked as Exhibits 'C-1' to 'C-3' to the Affidavit in support of Summons for Direction.

2. That question of convening meeting of Secured Creditors and Unsecured Creditors including Sundry Creditors does not arise as there are no Secured Creditors and Unsecured Creditors as mentioned in para 17 & 18 of the Affidavit in support of Summon for Direction. That in view of the dispensation of the meeting of the shareholders, Creditors an unsecured creditors the publication in newspapers and Maharashtra Government Gazette be dispensed with.

(K. R. Shriram 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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