

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
COMPANY SUMMONS FOR DIRECTION NO. 55 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 BUILDERS 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 five Equity Shareholders of the Applicant Company which are annexed and marked as Exhibits 'I-1' to 'I-5' to the Affidavit in support of Summons for Direction.

2. That 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 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 averment made in paragraph 22 of the affidavit in support of the Company Summons for Direction and that the Applicant Company undertakes to issue individual notice of hearing of the Petition by Registered Post A.D. to its Secured Creditors and undertaken to publish the same in one issue each of a daily newspaper viz. "Free press journal", in English language and translation thereof in "Navshakti", in Marathi language having circulation in Mumbai. The undertaking is accepted.

3. That convening and holding of the meeting of the UnSecured Creditor 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 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 averment made in paragraph 23 of the affidavit in support of the Company Summons for Direction and that the Applicant Company undertakes to issue individual notice of hearing of the Petition by Registered Post A.D. to all Unsecured Creditors and undertakes to publish the same in one issue each of a daily newspaper viz. "Free press journal", in English language and translation thereof in "Navshakti", in Marathi language having circulation in Mumbai. The undertaking is accepted.

(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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