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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

\+ CO.APPL.(M) 27/2016

IN THE MATTER OF MEDICARE INVESTMENTS LIMITED & ORS. ..... Petitioners

Through: Mr. N. Ganpathy and Mr. Manpreet Lamba, Advocates

CORAM:
HON'BLE MR. JUSTICE RAJIV SHAKDHER

O R D E R

% 08.04.2016

CA 1373/2016 (for modification of order dated 16.03.2016)

1. This is an application filed to seek modification of order dated 16.03.2016 passed by this court in CA (M) 27/2016. The learned counsel for the applicants avers that this court in the order dated 16.03.2016 dispensed with the requirement of convening meetings of the shareholders (both equity and preference) and creditors both secured and unsecured.

1.1 It is further averred that while doing so in paragraph 7 of the order, reference had been made to the following table which is also set out in paragraph 2 of the captioned application :-

Company	Number of shareholders	Consent given
Transferor Company No. 1	06	05 (being 95% in value)
Transferor Company No. 2	06	05 (being 95% in value)
Transferor Company No. 3	06	05 (being 95% in value)
Transferor Company No. 4	05	04 (being 95% in value)
Transferor Company No. 5	05	04 (being 94% in value)
Transferor Company No. 6	05	04 (being 96% in value)
Transferor Company No. 7	08	All
Transferor Company No. 8	08	All
Transferee Company	02	All

2. The learned counsel for the applicants state that the aforementioned table was based on the certificate issued by the Chartered Accountant. It is further contended that the chartered accountant only mentioned the names of the companies who were shareholders in the applicant companies and further broadly mentioned public shareholders without adverting to the number of such public shareholders.

3. The learned counsel states that at the hearing held on 11.03.2016, a chart containing the table showing number of shareholders (both equity and preference) as obtained on 31.03.2015 was handed over to this court. It is further submitted by the learned counsel for the applicants that the position which obtains as on 31.12.2015 is, as that, which is reflected in paragraph 5 of the application. It is the submission of the learned counsel for the applicants that the chart set out in paragraph 5 of the application is only an elaboration of what the chartered accountant has set out in his certificate filed with the main action.

4. The learned counsel says that in so far as the percentage of consents is concerned, the change perhaps is only de-minimus and would not affect the substance of the order dated 16.03.2016.

5. Having regard to the aforesaid, for the sake of convenience, the chart adverted to in paragraph 5 of the application is set out hereinbelow :-

Company	Number of shareholders (equity and preference)	Consent given
Transferor Company No.1	1547	05 (being 95.58% in value of equity shareholders and 100% of preference shareholders)
Transferor	1744	05 (being 95.20% in value of equity

Company No.2		shareholders and 100% of preference shareholders)
Transferor Company No.3	1432	05 (being 95.89% in value of equity shareholders and 100% of preference shareholders)
Transferor Company No.4	1120	04 (being 95.24% in value of equity shareholders and 100% of preference shareholders)
Transferor Company No.5	1510	04 (being 94.74% in value of equity shareholders and 100% of preference shareholders)
Transferor Company No.6	1636	04 (being 96.24% in value of equity shareholders and 100% of preference shareholders)
Transferor Company No.7	10	ALL
Transferor Company No.8	10	ALL
Transferee Company	02	ALL

6. Having heard the learned counsel for the applicants, I am inclined to modify the judgment dated 16.03.2016. Therefore, the said judgment will stand modified to the extent that in paragraph 7, the table set out in paragraph 5 of the application (which is also set out above in paragraph 5 above) will stand substituted for that which is presently shown in paragraph 7 of the judgment.

7. It is made clear that all other directions contained in the judgment dated 16.03.2016 shall remain unaltered.

8. The application is, accordingly, disposed of.

9. Dasti.

RAJIV SHAKDHER, J

APRIL 08, 2016/yg