

IN THE NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH (COURT-II)
(Through Hybrid Mode)

Item No.1
Clarification
CP (CAA) No.2/Chd/Hry/2023
(2nd Motion)

In the matter of :

JK RESORTS INDIA PRIVATE LIMITED

....Transferor Company

AND

JK INFCON PRIVATE LIMITED

....Transferee Company

Under Sections 230-232, CA 2013

Order delivered on 28.06.2024

CORAM:

**SHRI. UMESH KUMAR SHUKLA,
HON'BLE MEMBER (T)**

**SHRI. P.S.N. PRASAD,
HON'BLE MEMBER (J)**

PRESENT:

For the Applicant : Mr. Afnaan Siddiqui, Advocate

ORDER

The counsel for the petitioner is present. The matter listed for clarification is taken up and the issue on which the clarification is needed as under:

The main objects of as set out in the Memorandum of Association of the Transferee Company are inter-alia:

“To carry on the business of real estate and properties including purchase of real estate and development of land/premises/building, creation of plots for the purpose of Sale, lease & to carry on the business of colonisers & developers of commercial/residential buildings, sale and purchase of properties on commission basis.”

Therefore, the Notice may be served upon the Real Estate Regulatory Authority(ies) (RERA) of the concerned State, where the project(s) of the Transferee Company are located and/or where it is registered as real estate agent, pursuant to Section 230(5) of the Companies Act, 2013 read with Rule 8 of the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016. The representation/s, if any, may be made by the concerned RERA(s) to this Tribunal with a copy to the petitioner Company(ies), within a period of 30 days from the date of receipt of the notice, failing which it shall be presumed that they have no representation to make on the proposed Scheme and this tribunal will proceed further with the approval of the Scheme.

2. The counsel for the petitioner has prayed for grant of two days' time to file affidavit in the matter. Time prayed for is granted.

Let the matter be listed on 02.07.2024.

Sd/-

(UMESH KUMAR SHUKLA)
HON'BLE MEMBER (T)

Sd/-

(Dr. P.S.N PRASAD)
HON'BLE MEMBER (J)