

IN THE NATIONAL COMPANY LAW TRIBUNAL: CHANDIGARH BENCH

COURT No.1

(through hybrid mode)

ITEM No. 3

**CP(CAA) No.45/Chd/Chd/2023
(2nd Motion)**

IN THE MATTER OF:-

Steadfast Healthcare Pvt. Ltd. & Ors.

... Transferor Company

And

M/s Atulaya Healthcare Pvt. Ltd.

... Transferee Company

Under Section:230-232, CA 2013

Order delivered on 16.07.2024

CORAM:

**SH. UMESH KUMAR SHUKLA
MEMBER (TECHNICAL)**

**SH. HARNAM SINGH THAKUR
MEMBER (JUDICIAL)**

PRESENT:

For the petitioner

: Mr. Atul V. Sood, Advocate

For the RD/Roc

: Mr. Vineet Khatri, Company Prosecutor

For the OL

: None

For the Income Tax Dept.

: Ms. Urvashi Dhugga, Senior Standing
Counsel

ORDER

On the last date of hearing, the Income Tax Dept. was given an opportunity to file the physical copy of the report with respect to petitioner Company Nos.2 and 3. The report with regard to Petitioner Company No.3 has been filed vide Diary No.03731/6 dated 16.07.2024. The same is taken on record. The report with regard to Petitioner Company No.2 has been filed vide Diary No.03731/7 dated 16.07.2024. However, the same is under objection. Ld. counsel for the Income Tax Department is directed to clear the objections within two days. However, it is stated by Id. Senior Counsel for the Income Tax Department that there is no outstanding demand against Petitioner Company Nos.2 and 3.

On perusal of the petition, it is transpired that the interest of the revenue is protected under the scheme in different clauses that is Clause Nos. 7.8, 22.8 and 37.8 of the petition with respect to Transferor Company Nos.1, 2 and 3 respectively. Similarly, at Clause 6.1 at Page 66 of the petition, the legal proceedings if any, against the Transferor Company will be continuing in the name of Transferee Company.

It is pointed out by the Id. Company Prosecutor for the RD/RoC that one complaint is pending before the RoC against Transferor Company No.1 regarding the use of the premises. On specific query about the nature of complaint and whether it is civil or criminal, it was explained by the petitioner that the complaint is of civil nature with regard to some rent and use of premises and if there is any claim by the complainant against the Transferor Company No.1, the same will be met by the Transferee Company after merger and for rest of the observations Id. Company Prosecutor for the RD/RoC has no objections for sanctioning of the scheme. Similarly, no objections from the OL has already been recorded vide order dated 10.05.2024.

Report filed by the Income Tax Dept. with respect to Petitioner-Company No.1 and the Transferee Company has been perused in which it is stated that the Income Tax Dept. has no objections for sanctioning of the scheme. It is stated by Id. counsel for the petitioner that on instructions, he submits that the NCLT, if thinks fit, may consider the appointed date for scheme as 01.04.2023 instead of 01.04.2022.

Heard. ***Order reserved.***

Sd/-
(UMESH KUMAR SHUKLA)
MEMBER (TECHNICAL)
Tanvi

Sd/-
(HARNAM SINGH THAKUR)
MEMBER (JUDICIAL)