

**IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH**

COURT – IV

10. COMP.APPL/ 200(MB)2024 IN
C.P.(CAA)/277(MB)2023 IN
C.A.(CAA)/33(MB)2022

CORAM:

MS. ANU JAGMOHAN SINGH
MEMBER (Technical)

SHRI KISHORE VEMULAPALLI
MEMBER (Judicial)

ORDER SHEET OF THE HEARING HELD ON **20.06.2024**

NAME OF THE PARTIES: Moncon Exports Pvt Ltd

SECTION: 230-232 OF THE COMPANIES ACT, 2013

ORDER

1. Mr. Ahmed Chunawala, Ld. Counsel for the Applicant present.
2. **COMP.APPL/200(MB)2024:** This is an application filed by the Applicant seeking change the appointed date from 1st April, 2021 to 1st April, 2023. The Applicant Companies have passed Board Resolution on 22day of January, 2024 approving the Scheme of Amalgamation for change of Appointed Date.
3. It is submitted that in view of the change in appointed date, a fresh certificate from Chartered Accountant regarding Secured and Unsecured Creditors as on 31.03.2023 is filed for all Applicant Companies along with valuation report dated 09.01.2024 and audited financial statements as on 31.03.2023 for all the Applicant Companies. Revised scheme of amalgamation and arrangement has also been filed in the application.

4. It is submitted that company has obtained the Consent from all Equity Shareholders Moncon Exports Private Limited. That there are no Secured Creditors in the Applicant Company No.1. There are 4 (Four) Unsecured Creditors of the Moncon Exports Private Limited having value of Rs.72,84,278/- and the Consent affidavit from all the Unsecured Creditors have been obtained. In view of the above the meeting of the Equity Shareholders and Unsecured Creditors is dispensed with.
5. It is submitted that company has obtained the Consent from all Equity Shareholders of Niyosi Trading and Investments Private Limited. There are no Secured Creditors in the Applicant Company No.2. There are 3 (Three) Unsecured Creditors of the Niyosi Trading and Investments Private Limited having value of Rs.1,51,35,566/- and the Consent affidavit from all the Unsecured Creditors have been obtained. In view of the above the meeting of the Equity Shareholders and Unsecured Creditors is dispensed with.
6. It is submitted that company has obtained the Consent from all Equity Shareholders of Moneshi Consultancy Private Limited. That there are no Secured Creditors in the Applicant Company No.3. There are 3 (Three) Unsecured Creditors of Moneshi Consultancy Private Limited having value of Rs. 3,36,50,000/- and the Consent affidavit from all the Unsecured Creditors have been obtained. In view of the above the meeting of the Equity Shareholders and Unsecured Creditors is dispensed with.
7. It is submitted that company has obtained the Consent of Equity Shareholders Moncon Investments Limited. There are no Secured Creditors in the Applicant Company No.4. There are 3 (Three) Unsecured Creditors of the Moneshi Consultancy Private Limited having value of

Rs.3,65,50,000/- and the Consent affidavit from all the Unsecured Creditors have been obtained. In view of the above the meeting of the Equity Shareholders and Unsecured Creditors is dispensed with.

8. The Counsel for the Petitioners further submits that the Company Scheme Application/Petition is filed in consonance with Sections 232 read with Section 230 of the Companies Act, 2013 and the Order dated 21.10.2022 passed in Company Application (CAA) No. 33 of 2022 by this Tribunal
9. At least 10 days before the date fixed for hearing, Petitioner to publish the notice of hearing of Petition in two local newspapers viz. "Business Standard", in English language and translation thereof in "Navashakti", in Marathi language, both having circulation in Mumbai as per Rule 16 of the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016.
10. The Petitioner Companies shall issue notices to upon;
 - (i) Regional Director, Western Region, Ministry of Corporate Affairs, Mumbai Maharashtra;
 - (ii) Registrar of Companies;
 - (iii) Income-tax Authorities where the Assessment happens along with Nodal officer;
 - (iv) GST Authorities and
 - (v) Official Liquidator, High Court, Bombay in case of Transferor Companies informing the date fixed for hearing along with this Company Application and Petition informing about the change of Appointed Date.
 - (vi) Sectoral regulatory authority.

11. The above said notices shall contain the statement that *“If no response is received by the Tribunal from the Authorities within a period of 30 (Thirty) days from the date of receipt of such notice, it will be presumed that they have no representation/objections to the scheme”*.
12. The Petitioner shall file affidavit of service electronically 3 days before the final hearing date as stated in the above paragraph are made to, report to the do report to this Tribunal that the direction regarding the issue of the notice has been duly complied with.
13. Petition Admitted. Petition fixed for hearing and final disposal on **30.08.2024**.
14. With the above directions, Company Application No. 200 of 2024 is hereby **disposed off**.

Sd/-
ANU JAGMOHAN SINGH
Member (Technical)

Sd/-
KISHORE VEMULAPALLI
Member (Judicial)