

NATIONAL COMPANY LAW TRIBUNAL,
MUMBAI BENCH COURT VI

Item No. 03

C.P.(CAA)/66(MB)2024 IN C.A.(CAA)/251(MB)2023

CORAM

SHRI SANJIV DUTT
HON'BLE MEMBER (TECHNICAL)

SHRI K. R. SAJI KUMAR
HON'BLE MEMBER (JUDICIAL)

ORDER SHEET OF HEARING (HYBRID) DATED **30.04.2024**

NAME OF THE PARTIES : **TATA STEEL LIMITED**

For Applicant : Sr. Adv. Mr. Zal Andhyarujina a/w Adv. Karan Bhide, Adv. Kiran Sharma, Adv. Pooja, Adv. Anitro Deb, Adv. Rahul Dev & Adv. Arjun Amin

Sec. 230-232 of the Companies Act, 2013

ORDER

C.P.(CAA)/66(MB)2024

1. Heard the Counsel for the applicant and the above C.P. is **admitted**, returnable by **04.06.2024**.
2. The Applicant Company was directed *vide* order dated 10.11.2023 to file Consent Affidavits of the Secured Creditors having outstanding amount of INR 10,00,000 (Ten Lakh Rupees) and above (90% of the total value of the secured creditors) as on 30.06.2023. Now that the Applicant Company has complied with the said order and filed Affidavit dated 28.02.2024. We find that No Objection Certificate dated 22.02.2024 from the SDF (Joint Plant Committee) was issued subject

to repayment of the outstanding SDF loan with interest within one month from the date of issue of such NOC, failing which, the SDF stated that future requests for NOC from the Applicant Company shall not be considered. Upon consideration of the said NOC, we understand that they have granted consent for the scheme of amalgamation of Transferor/ Non-Applicant Company into and with the Applicant Company.

3. The direction with respect to issuance of individual notices upon all Unsecured Creditors having outstanding amount of INR 10,00,000 (Ten Lakh Rupees) and above (90% of the total value of the unsecured creditors) as on 30.06.2023 of the Applicant Company, as required in terms of Section 230(3) of the Companies Act, 2013, has also been complied with by the Applicant Company *vide* Affidavit dated 17.01.2024.
4. The Applicant Company has also submitted the pre-scheme and post-scheme net worth of the Applicant Company duly certified by the statutory auditor of the Applicant Company *vide* Supplementary Affidavit dated 20.03.2024.
5. Notices of the said scheme have been duly served upon the Regulatory Authorities, in compliance of the direction in the order dated 10.11.2023, *vide* Affidavit of Service dated 17.01.2024.
6. The report of the Chairman and the affidavit by Chairman pursuant to the meeting of the equity shareholders of the Applicant Company is also submitted by the Applicant Company in compliance of order dated 10.11.2023.

7. The details of the Corporate Guarantees, Performance Guarantees and other Contingent Liabilities along with details of all letters of credit sanctioned and utilised as well as margin money details have been submitted by the Applicant Company *vide* Affidavit of Compliance dated 13.02.2024.
8. In view of the above, the Applicant shall publish notice regarding the next date of hearing, at least 10 days before the next date of hearing, in two leading newspapers i/e. **“Navshakti”** in Marathi language, **Dainik Jagran** in Hindi language and the all India Edition of **“The Hindu”** in English language.
9. The Applicant Company shall issue notices through R.P.A.D./ Speed Post/ Email upon: -(i) Regional Director, Western Region, MCA, (ii) Registrar of Companies, Mumbai; (iii) Concerned Income-tax Authority within whose jurisdiction the Petitioner Company’s assessments are being done; (iv) Securities and Exchange Board of India; (v) Bombay Stock Exchange; (vi) National Stock Exchange; and (vii) concerned GST authorities, informing the date fixed for hearing in terms of Rule 8 of the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016, with a direction that they may submit their representation, if any, within next date of hearing.
10. The Applicant Company shall file Compliance Affidavit with the Registry regarding the issue of advertisement of the notice of hearing of the Company Scheme Petition, as well as the dispatch of notices to the above-mentioned concerned authorities.

11. Meanwhile, the ROC, RD and OL shall file their reports, if not filed already, before the next date of hearing.

12. List the matter on 04.06.2024.

**Sd/-
SANJIV DUTT
MEMBER (TECHNICAL)**

**Sd/-
K. R. SAJI KUMAR
MEMBER (JUDICIAL)**

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