

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
PRINCIPAL BENCH

ITEM No. 24
(IB)-102(PB)/2017

IN THE MATTER OF:

DBS Bank Ltd.

.... Petitioner/Applicant

v.

Edu Smart Service Pvt. Ltd.

.... Respondent

Order U/s. 7 of IBC, 2016 (Liq.)
CORAM:

Order delivered on 15.04.2024

SH. ASHOK KUMAR BHARDWAJ
HON'BLE MEMBER (JUDICIAL)

SH. AVINASH K. SRIVASTAVA
HON'BLE MEMBER (TECHNICAL)

(HEARING THROUGH PHYSICAL MODE & VC)

PRESENT:

For the Applicant : Not marked

For the SRA : Adv. Gaurav Mitra

ORDER

IA-5186/2023

As can be seen from the order dated 13.12.2023, before taking any view regarding the amendment/modification of *Clause-12* of the Scheme of Arrangement dated 08.03.2022, this Tribunal desires that the SRA should take consent from preference shareholders in relation to the amendment.

Today, Mr. Gaurav Mitra, Ld. Counsel for the SRA submitted that though communications were sent to the preference shareholders, but no response has been received. He requested that the court notice may be issued to the preference shareholders which he would take out and serve by way of publication. As prayed by the Ld. Counsel appearing for the Applicant, issue notice to the preference shareholders to be served by way of one of the substituted modes i.e. publication in two national newspapers one in English and one in local language where the Respondent is residing. Let the proof of service/publication report be filed before the next date of hearing. It is made clear that an independent view would be taken in the matter only after hearing the preference shareholders and examining the other relevant facts available on record. List the matter on **22.05.2024**.

-Sd/-
(AVINASH K. SRIVASTAVA)
MEMBER (TECHNICAL)

-Sd/-
(ASHOK KUMAR BHARDWAJ)
MEMBER (JUDICIAL)