

IN THE NATIONAL COMPANY LAW TRIBUNAL: NEW DELHI
COURT – IV

ITEM No.403
CA(CAA)/09/ND/2023

IN THE MATTER OF:

Mudrika Fiscal Services Private Limited and ... Applicant
Others
And
Pacific Development Corporation Limited &
Another

Order under Section 230-232, Sec 234 of Companies Act, 2013.
Order delivered on 14.03.2023

Coram:

Mr. ASHOK KUMAR BHARDWAJ,
HON'BLE MEMBER (JUDICIAL)

DR. BINOD KUMAR SINHA,
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant : Mr. Sandeep Bhuraria, Adv. & Ms. Parijat
Singh, Adv.

ORDER

The issue as urged in the captioned petition is amalgamation of as many as 13 Companies and demerger of two Companies. The Applicant Companies have sought dispensation of the meeting of members/share-holders as well as secured creditors of all the Companies. Ld. Counsel for the Applicants placed on record a list of the affidavit of NoC by all the members/ share-holders, secured creditors and unsecured creditors. The affidavits placed on record by the Applicant Companies to buttress the plea for dispensing with the requirement of meetings under Section 230(1) read with 230(3) of Companies Act, 2013 are quite large in number and voluminous. In these circumstances, we are inclined to accept the suggestion given by the Ld. Counsel for the Applicant Company to appoint Court-

Commissioner to examine the affidavits and submit a report regarding the veracity of the same. Thus, we appoint Ms. Rashmi Chopra an Arbitrator with Delhi International Arbitration Centre [**email ID chopra.rashmi@yahoo.co.in Mob.9810311218**] to examine the record of petition, in particular the veracity of the affidavit of all the secured creditors, un-secured creditors and share-holder of all the Companies i.e. merging and demerging and submit her report within four weeks. The fees of the Court-Commissioner would be Rs.100,000/- (One Lacs). The expenses to be incurred by Court-Commissioner as also the remuneration to be paid by her to supporting staff would be met by the Applicants.

List on **02.05.2023**

Sd/-
DR. BINOD KUMAR SINHA,
MEMBER (TECHNICAL)

Sd/-
ASHOK KUMAR BHARDWAJ,
MEMBER (JUDICIAL)