

NATIONAL COMPANY LAW TRIBUNAL
NEW DELHI BENCH
COURT-III

Company Application No. C.P -130/ND/2023

IN

Company Petition No. 73/ND/2022

In the matter of scheme of Amalgamation between:

Knauf Gypsum India Private Limited

.....Amalgamating Company 1/Petitioner Company 1

AND

USG India Private Limited

..... Amalgamating Company 2/Petitioner Company 2

AND

Knauf India Private Limited

.....Amalgamated Company/ Petitioner Company 3

Order Pronounced On: -11.05.2023

ORDER

PER: ATUL CHATURVEDI, MEMBER (T)

1. The present C.A-130(ND)2023 is being filed on behalf of the Amalgamated Company for rectification of the order dated 29.03.2023 passed by this Hon'ble Tribunal in Company Petition No. CP(CAA) - 73/ND/2022 seeking reliefs as follows: -
 - (i) correct the typographical errors crept in Para 17(1) of the Order, to read as below:"

“Upon the sanction becoming effective from the appointed date of amalgamation, the Transferor Companies shall stand dissolved without undergoing the process of winding up.”

2. It is submitted by the Ld. Counsel that this Tribunal in Para 17 (i) of the Order, has observed as follows:

“Upon the sanction becoming effective from the appointed date of amalgamation and arrangement i.e., 1st April, 2020, the Transferor Companies shall stands dissolved without undergoing the process of winding up”

3. It is further submitted by the Ld. Counsel that the appointed date mentioned in Para, appointed date is 17(i) of the order is not correct. As per clause 4.6 of the scheme, the appointed date is as follows: -

"Appointed Date" shall mean the same as the Effective Date or such other date that is mutually agreed between the Amalgamating Companies and the Amalgamated Company.

4. In view of the submissions made by the Ld. Counsel, the order dated 29.03.2023 is rectified and reproduced below: -

“Upon the sanction becoming effective from the appointed date of amalgamation, The Transferor Companies shall stand dissolved without undergoing the process of winding up.”

5. Company Application No. C.P -130/ND/2023 stands **allowed**.

SD/-

ATUL CHATURVEDI
MEMBER (T)

SD/-

BACHU VENKAT BALARAM DAS
MEMBER (J)

