

IN THE NATIONAL COMPANY LAW TRIBUNAL
DIVISION BENCH, COURT NO. II
KOLKATA

COMPANY APPLICATION NO: CA (CAA) No. 184/KB/2023

*An application under Section 230 to 232 and other applicable
provisions of the Companies Act 2013*

In the matter of:

1. WESTERN INDIA COMMERCIAL COMPANY LIMITED (CIN:
L67120WB1928PLC093924)

...TRANSFEROR COMPANY

And

2. N.B.I.INDUSTRIAL FINANCE COMPANY LIMITED (CIN:
L65923WB1936PLC065596

...TRANSFeree COMPANY

Date of pronouncing the order: 10th April,2024.

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Coram:

Smt Bidisha Banerjee: Member (Judicial)

Shri D.Arvind: Member (Technical)

Counsel appearing for the Applicants

1. Mr. Piyush Agrawal, Advocate
2. Ms. Utsha Dasgupta, Advocate
3. Ms. Shrivalli Kajaria, Advocate

Clarification

1. This above order was reserved for order.
2. While going through the application and the documents annexed to, we have noted that the certificates from the Statutory Auditors in terms of Section 230 (7) of Companies Act, 2013 of the applicant company.

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3. As the statutory provisions mentioned under Section 230 (7) (e) of the Companies Act 2013 enshrined that: “no compromise or arrangement shall be sanctioned by the Tribunal unless a certificate by the company’s auditor has been filed with the Tribunal to the effect that the accounting treatment , if any, proposed in the scheme of compromise or arrangement is in conformity with the accounting standards prescribed under section 133”.

4. Hence, we direct the applicants to file the certificate from the statutory auditors as per section 230(7) read with section 166 of Companies Act 2013 of the applicant companies by way of supplementary affidavit with two weeks. Posted on 14th May, 2024.

D. Arvind

Bidisha Banerjee

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Member (Technical)

Member (Judicial)

This order is signed on 10th Day of April, 2024.

Tiwari. V. [LRA]