

**IN THE NATIONAL COMPANY LAW TRIBUNAL
MUMBAI BENCH**

COURT – IV

2.

**C.P.(CAA)/61(MB)2024 IN
C.A.(CAA)/286(MB)2023**

CORAM:

MS. ANU J. SINGH
MEMBER (Technical)

MS. LAKSHMI GURANG
MEMBER (Judicial)

ORDER SHEET OF THE HEARING HELD ON **12.04.2024**

NAME OF THE PARTIES: Americorp Business Services Private Limited

SECTION: 230-232 OF THE COMPANIES ACT, 2013

ORDER

1. Mr. Ajit Singh Tawar, Ld. Cousnel for the Petitioner present.
2. Petition **Admitted**.
3. Petition fixed for hearing and final disposal on **10.06.2024**.
4. The Petitioner Companies states that in pursuance of the directions contained in Order dated 1st March, 2024 passed by this Tribunal in C.A.(CAA)/286/MB/2023, the Meeting of the Equity Shareholders of First Petitioner Company, Second Petitioner Company, Third Petitioner Company, Fourth Petitioner Company, Fifth Petitioner Company, Sixth Petitioner Company, Seventh Petitioner Company, Eighth Petitioner Company, Ninth Petitioner Company and the Tenth Petitioner Company were dispensed-with in view of Consent Affidavits obtained from all the Equity Shareholders (constituting 100% of the entire Equity Share Capital) of each Petitioner Companies.
5. The Petitioner Companies states that in pursuance of the directions contained in Order dated 1st March, 2024 passed by this Tribunal in

C.A.(CAA)/286/MB/2023, the Meeting of the Preference Shareholders of the Fourth and Tenth Petitioner Companies were dispensed-with in view of Consent Affidavits obtained from all the Preference Shareholders (constituting 100% of the entire Preference Share Capital) of the Fourth and Tenth Petitioner Companies.

6. The Petitioner Companies states that pursuance of the directions contained in Order dated 1st March, 2024 passed by this Tribunal in C.A.(CAA)/286/MB/2023, the Meeting of the Debenture Holders of the First, Fourth, Fifth, Sixth and Eighth Petitioner Companies were dispensed-with in view of Consent Affidavits obtained from all the Debenture Holders (constituting 100% of the Outstanding Debentures) of the First, Fourth, Fifth, Sixth and Eighth Petitioner Companies.
7. The Petitioner Companies states that in pursuance of the directions contained in Order dated 1st March, 2024 passed by this Tribunal in C.A.(CAA)/286/MB/2023, there were no Secured Creditors in any of the Ten Petitioner Companies hence there was no requirement of conduct meetings of Secured Creditors in any of the Ten Petitioner Companies.
8. The Petitioner Companies states that in pursuance of the directions contained in Order dated 1st March, 2024 passed by this Tribunal in C.A.(CAA)/286/MB/2023, the Meeting of the Unsecured Creditors of the First, Second, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth and Tenth Petitioner Companies were dispensed with in view of Consent Affidavits filed by the Unsecured Creditors (constituting 100% of the outstanding amount) of First, Second, Fourth, Fifth, Sixth, Seventh, Eighth, Ninth and Tenth Petitioner Companies.

9. The Petitioner Companies states that in pursuance of the directions contained in Order dated 1st March, 2024 passed by this Tribunal in C.A.(CAA)/286/MB/2023, there were no Unsecured Creditors in the Third Petitioner Companies hence there was no requirement of conducting the meeting of Unsecured Creditors in the Third Petitioner Company.
10. The Petitioner Companies further submit that as per direction of this Bench vide order dated 01.03.2024, the Petitioner Companies have served Notices upon all the Regulatory Authorities. The Petitioner Companies have annexed the Affidavit of Service to this Company Petition, providing the proof of service of Notices and Proof of Delivery on all the Regulatory Authorities.
11. The Petitioner Companies in paragraph 80 of the Company Petition further confirms:
 - a. The Petitioner Companies have not provided any Corporate Guarantee, Performance Guarantee. Further the details of Contingent Liabilities are mentioned in paragraph 80 of the Company Scheme Petition.
 - b. There are no IBC cases or other litigation pending against the Petitioner Companies having material impact on the Proposed Scheme.
 - c. The Petitioner Companies has not obtained any facility for Letters of Credit and Margin Money as mentioned in the Company Scheme Admission Order.
12. The Learned Counsel for the Petitioner Companies submit that, the Company Scheme Petition is filed in consonance with Section 230 to 232 of

the Companies Act, 2013 and in terms of the order passed in Company Application No. C.A.(CAA)/286/MB/2023 by this Tribunal.

13. The Petitioner Companies are directed to intimate date of final hearing of Company Scheme Petition to –
 - (i) The Central Government through Regional Director, Western Region;
 - (ii) The Registrar of Companies, Maharashtra, Mumbai;
 - (iii) Jurisdictional Income Tax Authority within whose jurisdictions are made; and the Nodal Authority in the Income tax Department having jurisdictional over such authority i.e. Pr. CCIT;
 - (iv) Jurisdictional Goods and Service Tax Department;
 - (v) The Competition Commission of India, Headquarter: Competition Commission of India 9th Floor, Office Block - 1, Kidwai Nagar (East), New Delhi 110023, if applicable.
 - (vi) Jurisdictional Competition Commission of India, Regional Office;
 - (vii) The office of Joint Director of Industries, Mumbai Metropolitan Region, Vikas Centre, 702, 7th Floor, Dr. C.G. Marg, Near Basant Cinema, Chembur (East), Mumbai- 400074;
 - (viii) The Official Liquidator High Court, 5th floor, Bank of India Building, Mahatma Gandhi Road, Fort, Mumbai, Maharashtra 400023.
14. The Fourth Petitioner Company is directed to intimate date of final hearing of Company Scheme Petition to Reserve Bank of India.
15. The Petitioner Companies to send the Notice to the above-mentioned regulators either by Registered Post AD/ Speed Post/ Hand Delivery or by

E-mail, as may be feasible. If no response is received by this Tribunal from the concerned Regulatory Authority within thirty (30) days of the date of receipt of the Notice it will be presumed that the Said Authorities has no objection to the proposed Scheme.

16. At least 10 (ten) days before the date fixed for hearing, the Petitioner Companies to publish the Notice of the hearing of the Petition in two local Newspapers viz. "Business Standard", in English Language and translation thereof in "Navshakti" in Marathi language, both having circulation in State of Maharashtra, respectively as per Rule 16 of the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016.
17. The Petitioner Companies shall host the Notices of final hearing on their respective websites, if any.
18. The Petitioner Companies shall file Affidavit of Service regarding the directions given by this tribunal at least 7 days before the final hearing and do report to this Tribunal that the directions regarding the publication of Notices in Newspaper and Notices to Regulatory authorities have been duly complied with.

Sd/-
ANU J. SINGH
Member (Technical)

Sd/-
LAKSHMI GURANG
Member (Judicial)