

**IN THE NATIONAL COMPANY LAW TRIBUNAL**  
**SPECIAL BENCH, BENGALURU**  
*(Through web-based Video Conferencing Platform)*

**ITEM No. 10**  
**CP (CAA) No.12/BB/2023**

**IN THE MATTER OF:**

M/s. Aviral Crop Science Pvt. Ltd.	...	Petitioner
Vs.		
--	...	Respondent

**Order under Section 230-232 of Companies Act, 2013**

**Order delivered on: 10.03.2023**

**CORAM:**

**JUSTICE (RETD.) T. KRISHNAVALLI**  
**HON'BLE MEMBER (JUDICIAL)**

**SH. PRASANTA KUMAR MOHANTY**  
**HON'BLE MEMBER (TECHNICAL)**

**PRESENT (Through Video Conferencing):**

For the Petitioner : Shri Uday Shankar, Adv.

**ORDER**

1. Heard Shri Uday Shankar, learned Counsel for the Petitioner Company. The learned Counsel for the Petitioner Company submits that this is a second motion Petition filed in consonance with Sections 230 to 232 of the Companies Act, 2013 and in accordance with the directions given by this Tribunal *vide* Order dated 05.01.2023 passed in CA (CAA) No.55/BB/2022.
2. In the First Motion Application bearing CA (CAA) No.55/BB/2022 filed before this Tribunal, necessary directions were issued in which the meetings of the Equity Shareholders, Optionally Convertible Debenture Holders, Unsecured Lender and Unsecured Creditors of the Demerged/Applicant Company are dispensed with. Since there are no Secured Creditors in Applicant Company, there is nothing to convene their meetings.

...2

3. The Petition be listed for hearing on **01.05.2023**. At least thirty days before the date fixed for final hearing, the Petitioner Company shall publish the notice of final hearing of the Company Petition in two local newspapers *viz.*, 'The Hindu' English Daily and translation thereof in 'Udayavani' Kannada Daily, both having circulation in Bangalore as per Rule 16 of the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016.
4. Notice be also served upon the Objector(s) or their representative as contemplated under sub-section (4) of Section 230 of the Companies Act, 2013 who may have made representation and who have desired to be heard in their representation along with a copy of the Petition and the Annexures filed therewith at least 30 days before the date fixed for hearing. It is to be specified in the notices that the objections, if any, to the Scheme may be filed within thirty days from the date of the receipt of the notice, failing which, it will be considered that there is no objection to the approval of the Scheme on the part of the Objector(s).
5. In addition to the above public notice, the Petitioner Company shall serve the Notice of the Petition on the following Authorities, namely, (a) The Regional Director (South East Region), Hyderabad (b) The Registrar of Companies Karnataka, Bengaluru (c) Designated Nodal Officer – Principal Chief Commissioner of Income Tax, Bengaluru (d) Jurisdictional Income Tax Officer-Ward 7(1)(1), Koramangala, Bangalore for Petitioner Company, along with the copy of this Petition and the Annexures filed therewith by Speed Post immediately and to such other Sectorial Regulator(s) who may govern the working of the Petitioner Company involved in the Scheme as per Rule 8 of the Companies (CAA) Rules, 2016, with a direction that they may submit their representation, if any, within thirty days from the date of receipt of such notice, failing which, it will be presumed that the said Authority has no representation to make to the Scheme.

**Sd/-**

**PRASANTA KUMAR MOHANTY  
MEMBER (TECHNICAL)**

**Sd/-**

**T. KRISHNAVALLI  
MEMBER (JUDICIAL)**