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

ITEM No.7

New Restoration App/3/ND/2023 in CP(CAA)/91/ND/2022

IN THE MATTER OF:

Shree Durga Home Appliances Private Limited ... Applicant

With

Summer Cool Home Appliances Limited

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

Order delivered on 20.01.2023

Coram:
MR. P.S.N. PRASAD
HON'BLE MEMBER (JUDICIAL)
DR. BINOD KUMAR SINHA,
HON'BLE MEMBER (TECHNICAL)

PRESENT:

For the Applicant : Mr. Anirudh and Mr. Ramesh, Advs.

For Income Tax Department–Mr. Ruchir Bhatia Sr. Standing Counsel,

Mr. Shlok Chandra Jr. Standing Counsel alongwith Keshav Garg Advocates.

ORDER

New Restoration App/3/ND/2023

This is an application for restoration of joint petitions under Section 230-232 of the Companies Act, 2013 read with the companies (Compromises, Arrangements and Amalgamations) Rules, 2016 for sanction of the scheme of Amalgamation of the transferor/petitioner No. 1 with the Transferee/Petitioner No. 2. We have heard the submissions made by the Counsels. In Para No. 3 of the application, it is submitted that the non-appearance of the petitioners was not wilful or deliberate and the non-appearance happened just for missing the date. Having regard to the submissions made by the Counsel and facts and circumstances of the case, the present application is allowed, subject to payment of costs of Rs. 10,000/- to be deposited in 'Bharat Kosh'. The present application stands allowed and the Company Petition No. CP(CAA)/91/ND/2022 is restored to its original number.

Let Company Petition No. CP(CAA)/91/ND/2022 be fixed for 23.02.2023.

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

Sd/-
P.S.N. PRASAD
MEMBER (JUDICIAL)

Mukesh