

NATIONAL COMPANY LAW TRIBUNAL
COURT-I, MUMBAI BENCH

Item 5

C.P.(CAA)/91(MB)2023 IN C.A.(CAA)/137(MB)2022

CORAM:

SH. SHYAM BABU GAUTAM

SH. H.V. SUBBA RAO

HON'BLE MEMBER (TECHNICAL)

HON'BLE MEMBER (JUDICIAL)

ORDER SHEET OF THE HEARING ON **10.04.2023**

NAME OF THE PARTIES: - **RHEA HEALTHCARE PRIVATE LIMITED**

Appearance (via video-conference):

For the Applicant : Mr. Gaurav Joshi, Senior Advocate
Section 230-232 of the Companies Act, 2013

ORDER

1. Heard Ld. Senior Advocate for the Petitioner for a considerable time.
2. Petition Admitted.
3. Petition fixed for hearing and final disposal on 17.05.2023.
4. The Learned Senior Advocate for the Petitioner Company submits that the Company Petition is filed in consonance with Sections 230 to 232 read with Section 234 and other applicable provisions of the Companies Act, 2013 and the order delivered on 3rd March 2023 in C.A(CAA)137/MB/C-I/2022.
5. Learned Senior Advocate for the Petitioner Company states that the meeting of the Equity shareholders of the Petitioner Company was dispensed with in view of the consent affidavits obtained from all the Equity Shareholders.



6. Learned Senior Advocate for the Petitioner Company states that the meeting of the Secured Creditors of the Petitioner Company was dispensed with in view of the consent affidavits obtained from all the Secured Creditors.
7. Learned Senior Advocate for the Petitioner Company states that the holding and convening of the meeting of the Unsecured Creditors was dispensed with and the Petitioner Company have sent notices to all the Unsecured Creditors.
8. The Learned Senior Advocate submits that pursuant to directions contained in the order delivered on 3rd March, 2023 by this Tribunal in CA(CAA)137/MB/C-I/2022, a notice has been served upon the (i) Central Government through the office of Regional Director, Western Region, Ministry of Corporate Affairs, Mumbai, (ii) Registrar of Companies, Maharashtra, Mumbai (iii) Income Tax Authority of the Company concerned (iv) Goods and Services Tax (GST) within whose jurisdiction the Petitioner Company GSTIN is registered and (v) the Reserve Bank of India, Mumbai by the Petitioner Company, pursuant to Section 230(5) of the Companies Act, 2013 read along with Rule 8 of the Companies (Compromises, Arrangements and Amalgamation) Rules, 2016. The affidavit of service to that effect is filed on 24th March, 2023.
9. At least 10 (Ten) days before the date fixed for hearing, the Petitioner Company to publish the notice of hearing of Petition in two local



newspapers, viz. *Business Standard* in English and translation thereof in *Navshakti* in Marathi, both having circulation in Mumbai as per Rule 15 of the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016.

10. The Petitioner Company shall issue notices to (i) Regional Director (Western Region), Ministry of Corporate Affairs, Mumbai, (ii) Registrar of Companies, Maharashtra, Mumbai (iii) Income Tax Authority of the Company concerned within whose jurisdiction the Petitioner Company assessments are made, clearly indicating PAN of the company concerned (iv) Goods and Services Tax (GST) within whose jurisdiction the Petitioner Company GSTIN is registered, if applicable, and (v) the Reserve Bank of India informing the date fixed for hearing.
11. The Petitioner Company shall host notices along with the copy of the Scheme on their respective functional websites, if any.
12. The Petitioner Company to file proof of compliance at least 3 (Three) days before the final hearing date and report to this Tribunal that the direction regarding the issue of notice has been duly complied with.

Sd/-

SHYAM BABU GAUTAM
MEMBER (TECHNICAL)

Vedant Kedare



Sd/-

H.V. SUBBA RAO
MEMBER (JUDICIAL)

Certified True Copy
Copy Issued "free of cost"
On 08/5/2023

[Signature]
Deputy Registrar 08/5/2023

National Company Law Tribunal Mumbai Bench
(D- 5419) 17/4/2023