

*Through videoconference*

IN THE NATIONAL COMPANY LAW TRIBUNAL  
COURT No. I, SPECIAL BENCH, MUMBAI

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CA No. 1124/2020  
in  
CA (CAA) 3919/MB-I/2019

*In the matter of*

Sections 230-232 and other applicable provisions of the Companies Act, 2013 read with the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016

*And*

*In the matter of*

Scheme of Merger by Absorption of Swastika Commodities Private Limited (Transferor Company) and Swastika Investmart (Transferee Company) and their respective shareholders.

Swastika Commodities Private Limited,  
Flat No.18, Floor 2, North Wing, Madhav Nagar,  
11/12, S.V. Road, Andheri (W), Mumbai-400058  
CIN: U01112MH1996PTC304882

... Applicant No. 1 (Transferor Company)

Swastika Investmart Limited,  
Flat No.18, Floor 2, North Wing, Madhav Nagar,  
11/12, S.V. Road, Andheri (W), Mumbai-400058  
CIN: U65990GJ2016PTC094726

... Applicant No. 2 (Transferee Company)

Date of Order: 27<sup>th</sup> November 2020

Coram:

Hon'ble Janab Mohammed Ajmal, Member (Judicial)

Hon'ble Shri Ravikumar Duraisamy, Member (Technical)

Appearance:

For the Applicant(s) : CS Yogesh Choudhary, Practicing Company Secretary

*Per: Janab Mohammed Ajmal, Member (Judicial)*

**ORDER**

1. Counsel for the Applicant submits that this Bench allowed CA No. 3919 of 2019 by order dated 20.02.2020 and the said order was uploaded only on 18.09.2020. Hence the Applicant was not able to conduct the meetings as originally planned on 09.04.2020. it is further submitted that in the order dated 20.02.2020, notices were to be issued creditors of value of Rs. 5,00,000/- and above as on 31.12.2019. it was not possible for Applicants to follow the same because of the delay. The Applicant thus has filed this Application for change of date for conducting the meeting of shareholders of the Applicant Companies and change in date of notice to creditors as on 31.10.2020 instead of 31.12.2019 to whom notice was required to be sent.
2. Heard the Counsel for the Applicant. The prayer is allowed and the Applicant Companies is permitted to convene and conduct the above said meetings on 13.01.2021 through videoconference which is stated to be convenient to the Board of Directors of the Applicant Companies and mutually agreeable to Chairman/ Alternate Chairman of the proposed meetings. Further this Bench directs the Applicant Companies to issue notice to all its Secured and Unsecured Creditors of the value above Rs. 5,00,000/- (Five Lakhs only) as on 31.10.2020. In view of the lockdown imposed due to the Covid-19 pandemic, notice shall be sent by email to the said Creditors.

Sd/-

Ravikumar Duraisamy  
Member Technical

Sd/-

Mohammed Ajmal  
Member Judicial

**NATIONAL COMPANY LAW TRIBUNAL**  
**COURT No. – I (Special Bench), MUMBAI BENCH**

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**CA No. 1124/2020**  
**in**  
**CA (CAA) No. 3919/MB/2019**

**Swastika Commodities Pvt. Ltd.**

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**Dated 27<sup>th</sup> November, 2020**

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**ORDER**

The work of the Tribunal has been closed due to Covid-19 pandemic as per letter dated 22.03.2020 and subsequent follow up orders of the Principal Bench, National Company Law Tribunal. The Principal Bench vide Order dated 31.07.2020, constituted this Bench for hearing of the urgent matters through Video Conference (VC).

The matter is taken up on VC. Counsel for the Applicant is present. Heard the Counsel on CA No.1124 of 2020. Orders to follow.

**Sd/-**  
**RAVIKUMAR DURAISAMY**  
**Member (Technical)**

**Sd/-**  
**MOHAMMED AJMAL**  
**Member (Judicial)**