

FREE OF COST COPY

IN THE NATIONAL COMPANY LAW TRIBUNAL
DOUBLE BENCH
NEW DELHI
(COURT-III)

CA.(CAA)-173/C-III/(ND)/2018

SECTION: UNDER SECTIONS 230-232 OF THE COMPANIES ACT, 2013.

IN THE MATTER OF:

JBM Auto System Pvt. Limited

..... Transferor Company No.1/

JBM Auto Limited

....Transferee Company

Coram:

Order delivered on 12 .07.2018

R.VARADHARAJAN
Hon'ble Member (Judicial)

Dr. V.K.SUBBURAJ
MEMBER(TECHNICAL)

For the Petitioner

:Mr. Saurabh Kalia, Advocate
Mr. Sanjay Grover, Mr.Devesh Kumar Vasisht,
Mr. Neeraj Arora, PCS

For the Respondent

: -
ORDER

Based on the application filed by the applicants in CA(CAA)-109/MD/2018 being the main application, this Tribunal passed



19.7.18

order on 4.7.2018 wherein while dispensing with the meeting of the equity shareholders of applicant company No.1 and the meeting of preference shareholders of applicant No.2, in relation to meetings of secured creditors of both the companies, unsecured creditors of both the companies and the shareholders of applicant company No.2, necessary directions were issued for convening the meeting on 25.08.2018 at the venue suggested by Ld. Counsel for the applicant companies. However, presently the applicants have come out with instant application No.CA.173/C-III/ND/2018 seeking for modification of the order datd 4.7.2018 wherein it is stated that despite best efforts according to Ld. Counsel for the applicant companies the stated venue is not available on 25.08.2018 and in the circumstances, the date of the meeting may be suitably modified for the meeting to be held at the stated venue as directed in the order dated 4.7.2018 either on 14th or between 20th to 24th August, 2018. Further, in the said application, a request is also made for modifying the order ^{by inclusion} to the following effect:



"in case the quorum as noted above for the above meetings of the applicant companies is not complete, then the meetings shall be adjourned by half an hour, and therefor, the person present at the meeting shall be deemed to constitute the quorum."

2. In relation to modification of date in view of inability expressed by the Ld. Counsel for the applicants in the application that the stated venue is not available on the date on which it was directed to be held on namely, 25.08.2018 and taking into consideration the dates which have been suggested by Ld. Counsel for the applicants, the meeting is now directed to be held on Friday the 24th August, 2018 instead of 25th August, 2018 as fixed earlier.

3. In relation to the circumstance where requisite quorum is not available at the stated time and quorum, of which modification is sought to the effect and of which has also been extracted as above, we are not inclined to grant carte blanche, as sought for in the application and that in relation to secured creditors, the quorum as fixed earlier will not stand modified in any way. However, in relation to equity shareholders of applicant



company No.2, unsecured creditors of both the companies in relation to the directions vide order dated 04.07.2018 already given, the following portion is included namely 'in case quorum as noted above for the above meetings, save the meetings of secured creditors, of the applicant companies is not complete then the meetings shall be adjourned by half an hour and therefor the persons present at the meeting shall be deemed to constitute the quorum'. Save the above two modifications in relation to date of the meeting and the quorum, as stated above, the order dated 4.7.2018 of this Tribunal stands as such. With these directions, this application stands closed.

Sd/-
(Dr.V.K.SUBBURAJ)
MEMBER(TECHNICAL)

Sd/-
(R.VARADHARAJAN)
MEMBER (JUDICIAL)

U.D.Mehta
12.07.2018



Raju 19/7/2018
व.वि.बं. राजू V.V.B. RAJU
उप पंजीयक / DEPUTY REGISTRAR
राष्ट्रीय कम्पनी विधि अधिकरण
NATIONAL COMPANY LAW TRIBUNAL
Block-3, 6th Floor, CGO COMPLEX
LODHI ROAD, NEW DELHI - 110003

FREE OF COST COPY