



**THE NATIONAL COMPANY LAW TRIBUNAL,  
MUMBAI BENCH-IV**

**CP (CAA) NO/99/MB-IV/2022  
IN  
CA(CAA)NO/178/MB-IV/2021**

*In the matter*

*of the Companies Act, 2013;*

*AND*

*Sections 230 to 232 and other applicable  
provisions of the Companies Act, 2013  
and rules made thereunder*

*AND*

*In the matter of*

*Scheme of Arrangement (Demerger)*

*Between*

*Avvashya CCI Logistics Private Limited  
("First Applicant Company/ Demerged  
Company")*

*And*

*Avvashya Supply Chain Private Limited  
("Second Applicant Company/ Resulting  
Company")*

*And*

*their respective shareholders ('Scheme' or 'the Scheme')*

Avvashya CCI Logistics Private Limited  
(CIN: U74900MH2015PTC261865)

...First Applicant Company/  
Demerged Company



THE NATIONAL COMPANY LAW TRIBUNAL,  
MUMBAI BENCH-IV

CP (CAA) NO/99/MB-IV/202 IN  
CA(CAA)NO/178/ MB-IV/2021

Avvashya Supply Chain Private Limited  
(CIN: U45200MH2008PTC179557)

...Second Applicant Company/  
Resulting Company

Order delivered on: 18/10/2022

*Coram:*

Mr. Satya Ranjan Prasad  
Hon'ble Member (Technical)

Mr. Kishore Vemulapalli  
Hon'ble Member (Judicial)

Appearances (via videoconferencing):

For the Applicants:

Mr. Ashish Parwani, i/b Rajani  
Associates, Advocates for the  
Applicant Companies.

**ORDER**

*Per: Kishore Vemulapalli, Member (Judicial)*

1. This Court is convened by video conferencing today.
2. Company Scheme Petition is admitted.
3. Company Scheme Petition fixed for hearing and final disposal on 24/11/2022.
4. Learned Counsel for the Petitioner Companies state that in pursuance of the directions contained in Order dated 25.01.2022 passed by the National Company Law Tribunal, Mumbai Bench in the Company Application No. 178/2021, the meeting of Equity Shareholders of both the Applicant Companies was dispensed in view of the Company Scheme Application,



---

inter-aliasating therein that the consents of all the Equity Shareholders in the both the Applicant Companies have been obtained.

5. The Learned Counsel for the Petitioner Companies further submitsthat the Company Petition is filed in consonance with section 230 to 232 of the Companies Act, 2013 along with the Order passed in Company Application No. 178 of 2021 by the National Company Law Tribunal, Mumbai Bench.
6. The Learned Counsel for the Petitioner Companies further submits that, in view of the fact that sole secured creditor of First Petitioner Company hadgiven its consent letter and there were no Secured Creditors in the Second Petitioner Company, the meeting of the Secured Creditors of both the Petitioner Companies were dispensed with.
7. The Learned Counsel for the Petitioner Companies further submits that, the Petitioner Companies also served notices to its respectiveUnsecured Creditors which were due and payable as on 30.06.2021.
8. The Petitioner Companies also served notices upon the;
  - (i) Central Government through the office of Regional Director, Western Region, Mumbai;
  - (ii) Registrar of Companies, as per Rule 8 of the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016;
  - (iii) Income Tax Authority having PAN AAGCC0275L of First Applicant Company;
  - (iv) GST Authorities.



- 
9. The Petitioner Companies shall submit Audited Financial Statement for Financial Year 2020-21 along with Audited/Unaudited Financial statement for the Financial Year 2021-2022.
  10. The Petitioner Companies shall submit details of Corporate Guarantee, Performance Guarantee, Bank Guarantee and Contingent Liabilities; if any.
  11. The Petitioner Companies shall submit list of pending IBC cases, if any, along with all other litigation pending against the Applicant Companies having material impact on the proposed Scheme.
  12. The Petitioner Companies shall submit details of all Letters of Credit sanctioned and utilized as well as Margin Money details; if any.
  13. The Petitioner Companies are directed to serve fresh notices through Registered-Post AD/Speed Post and hand-delivery indicating the date of final hearing upon;
    - (i) Central Government through the Regional Director, Western Region;
    - (ii) the Registrar of Companies;
    - (iii) the concerned Income-Tax Authorities as per Rule 8 of the Companies (Compromises, Arrangement and Amalgamation) Rules, 2016;
    - (iv) concerned GST Authority within whose jurisdiction the Transferor Companies and the Transferee Company's GST Assessments are made;
    - (v) Ministry of Corporate Affairs;



THE NATIONAL COMPANY LAW TRIBUNAL,  
MUMBAI BENCH-IV

CP (CAA) NO/99/MB-IV/202 IN  
CA(CAA)NO/178/ MB-IV/2021

---

At least 10 (ten) days before the date fixed for hearing, the Petitioner Companies to publish the notice of hearing of Petition in two local newspapers viz. “Business Standard”, in English language and translation thereof in “Navshakti”, in Marathi language, both having circulation in Mumbai as per Rule 16 of the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016.

14. The petitioner Companies shall host notices along with the copy of the Scheme on their respective websites, if any.
15. The Petitioner Companies shall file a compliance Affidavit regarding the issue of advertisement of the notice of the hearing of the Company Petition stating that the same has been duly complied with the Registry in regard to the directions of this Tribunal, 3 (three) days before the date fixed for final hearing.
16. The Learned Counsel for the Petitioner Companies submits that the Petitioner Companies have complied with all the directions set out in the Order dated 25.01.2022 passed by the National Company Law Tribunal, Mumbai Bench in the Company Application No. 178 of 2021.

Sd/-

Satya Rajan Prasad  
Member (Technical)  
18/10/2022

Sd/-

Kishore Vemulapalli  
Member (Judicial)