



NATIONAL COMPANY LAW TRIBUNAL

COURT-V, MUMBAI BENCH

103. C.P.(CAA)/80(MB)2025 C.A.(CAA)/235(MB)2024

IN THE MATTER OF

Allcargo Logistics Limited

Section 230-232 of the Companies Act, 2013

Order Delivered on 30.04.2025

CORAM:

SH. SUSHIL MAHADEORAO KOCHEY
MEMBER (J)

SH. CHARANJEET SINGH GULATI
MEMBER (T)

Appearance through VC/Physical/Hybrid Mode:

For the Petitioner:- Adv. Hemant Sethi (PH)

For the Respondent:-

ORDER

1. Proceedings under Section 230-232 of the Companies Act, 2013 have been filed.
2. Heard the Ld. Counsel / Authorized Representative of the Petitioner. The First Motion Petition order was passed on 11.12.2024 in CA No. C.A.(C.A.A.)/ 235 /MB/2024. In terms thereof, the meeting of shareholders/creditors were ordered/dispensed with.
3. **(In the event of meetings) :-**
The report dated 21.12.2023 of the Board of Directors approving the scheme has been placed on record.
4. Section 230 (5) of the Companies Act, 2013 and Rule 8 of the Companies (Companies Arrangements and Amalgamation) Rules, 2016 provides for issuance of Notice on such Petitions. Section 230 (5) and relevant part of Rule 8 read as follows:-

“230. Power of compromise or make arrangements with creditors and members

(5) A notice under sub-section (3) along with all the documents in such form as may be prescribed shall also be sent to the Central Government,



the income-tax authorities, the Reserve Bank of India, the Securities and Exchange Board, the Registrar, the respective stock exchanges, the Official Liquidator, the Competition Commission of India established under sub-section (1) of section 7 of the Competition Act, 2002, if necessary, and such other sectoral regulators or authorities which are likely to be affected by the compromise or arrangement and shall require that representations, if any, to be made by them shall be made within a period of thirty days from the date of receipt of such notice, failing which, it shall be presumed that they have no representations to make on the proposals.

Rule 8

8. Notice to statutory authorities.— (1) For the purposes of sub section (5) of section 230 of the Act, the notice shall be in Form No. CAA.3, and shall be accompanied with a copy of the scheme of compromise or arrangement, the explanatory statement and the disclosures mentioned under rule 6, and shall be sent to:- (i) the Central Government, the Registrar of Companies, the Income tax authorities, in all cases; (ii) the Reserve Bank of India, the Securities and Exchange Board of India, the Competition Commission of India, and the stock exchanges, as may be applicable; (iii) other sectoral regulators or authorities, as required by Tribunal. (2) The notice to the authorities mentioned in sub-rule (1) shall be sent forthwith, after the notice is sent to the members or creditors of the company, by registered post or by speed post or by courier or by hand delivery at the office of the authority. (3) If the authorities referred to under sub-rule (1) desire to make any representation under sub-section (5) of section 230, the same shall be sent to the Tribunal within a period of thirty days from the date of receipt of such notice and copy of such representation shall simultaneously be sent to the concerned companies and in case no representation is received within the stated period of thirty days by the Tribunal, it shall be presumed that the authorities have no representation to make on the proposed scheme of compromise or arrangement.”

5. In view of the above, issue notice to the authorities specified in Section 230(5) for submitting their representation if any.
6. (a). Petitioner(s) are directed to take steps for issuance of notice in Form CAA3 and to the Central Government, through the Ministry of Corporate Affairs to the Jurisdictional Regional Director(s), Ministry of Corporate Affairs.



- 6 (b). Notices to the Regional Director(s) to be sent to the relevant email addresses mentioned in Annexure-1.
- 6 (c). Notice to the RoC to be sent to the relevant email addresses mentioned in Annexure-2.
- 6(d). Notice to the Official Liquidator to be sent to the relevant email addresses mentioned in Annexure-3.
- 6(e). Notice to the Income Tax Authorities to be sent to the relevant email addresses mentioned in Annexure-4.
- 6(f). Notice to the Statutory Regulators / Sectoral Regulators, if applicable, be issued.
7. Notice is also directed to be published in two prominently circulating national daily newspapers namely '*Business Standard*' in English Language and '*Navashakti*' in Marathi Language in terms of Rule 7 of the Companies (Companies Arrangements and Amalgamation) Rules, 2016.
8. All the authorities on receipt of the notice, are directed to file their representation, if any, within 30 days from the date of receipt of the notice. In case, no representation is received, it will be presumed that they have no objection to the proposal.
9. List on **02.07.2025**.

Sd/-
CHARANJEET SINGH GULATI
Member(Technical)
/Anmol/

Sd/-
SUSHIL MAHADEORAO KOCHEY
Member(Judicial)