

DIVISION BENCH

ITEM NO. C1

**NATIONAL COMPANY LAW TRIBUNAL
ALLAHABAD BENCH
PRAYAGRAJ**

**CA (CAA) No.05/ALD/2025
(First Motion)**

CORAM:

- 1. SHRI PRAVEEN GUPTA,
HON'BLE MEMBER (JUDICIAL)**
- 2. SHRI ASHISH VERMA,
HON'BLE MEMBER (TECHNICAL)**

Date of Order: 6th March, 2025

Attendance-Cum-Order Sheet of the Hearing.

NAME OF THE COMPANY	SBW UDYOG LIMITED WITH SBW UNITY PRIVATE LIMITED
UNDER SECTION	230/232 OF COMPANIES ACT, 2013

COUNSEL APPEARED THROUGH PHYSICAL/ VIRTUAL HEARING:

Sh. R.P. Agarwal, Sr. Adv. assisted by : *For the Applicant Companies*
Sh. Abhishek Tripathi, Adv.

ORDER

- 1.** This matter relates to first motion application filed under section 230-232 of the Companies Act, 2013 seeking dispensation of the meeting of the creditors of the Demerger/Transferor Company and Resulting/Transferee Company. This matter was earlier reserved by this tribunal on 13.02.2025.
- 2.** Clarification may be given with respect to the three unsecured creditors with the name & style of M/s Shyam Dairy Products at Sr. 09, 56, & 60 have been given apparently by another entity with the name & style of M/s Shyam Enterprises placed at Sr. 10.

3. Therefore, there is an apparent inconsistency hence, a clarification is required to be given by way an affidavit as to depict that all these entities are one and the same only and M/s Shyam Enterprises would have an authority to give consent on behalf of three other units namely Shyam Dairy Products, Shyam Dairy (Milk Purchase) and Shyam Dairy Products (Ghee SMP).
4. Similar, clarification is also required to be furnished for the consent given by the M/s Shyam Enterprises with respect to the unsecured creditor namely, Shyam Dairy Products at Sr. No. 207, 208 & 209 also.
5. Further, w.r.t to the unsecured creditor Shyam Agro Products at Sr. No. 206. The consent affidavit has been given by M/s New Mount Trading & Investment Co. Ltd but there is no authorization given for the same. Even further, it is found that M/s New Mount Trading & Investment Co. Ltd has given consent affidavit for a total outstanding of Rs. 4,20,24,505. While examining, it was further found that the said consent includes the consent of unsecured creditor namely, Shyam Agro Products for a value of Rs.107,643. However, no authorization is annexed nor any ownership has been shown.
6. M/s Shyam Agro Products is a part and parcel of M/s New Mount Trading & Investment Co. Ltd. therefore, clarification may be given that the authorized representative of M/s New Mount Trading & Investment Co.

Ltd can also act as an authorized representative to give consent for M/s Shyam Agro Products or it may be clarified that M/s Shyam Agro Products is a unit of M/s New Mount Trading & Investment Co. Ltd., if so in what manner.

7. The above clarification may be given additional affidavit to be filed on behalf of concerned Applicant Companies.
8. The Ld. Sr. Counsel has put in appearance and seeks one week time to do the needful.
9. Let the matter be adjourned for 17th March, 2025.

-Sd-
(Ashish Verma)
Member (Technical)

-Sd-
(Praveen Gupta)
Member (Judicial)

6th March, 2025