

NATIONAL COMPANY LAW TRIBUNAL
CHANDIGARH BENCH (COURT – II)

Item No.3

CP (CAA) No. 19/Chd/Hry/2026

IN THE MATTER OF:

Bharatech Smart Industrial Private ... Transferor Company Limited

With

Bharatech Green Energy Private Limited ... Transferee Company

Under Sections: 230-232 of the Companies Act, 2013

Order delivered on 16.07.2026

CORAM:

**SHRI. K. BISWAL,
HON'BLE MEMBER (J)**

**SHRI. K.K SINGH,
HON'BLE MEMBER (T)**

PRESENT:-

For the Petitioner Company : Mr. Rahul Jogi, Advocate

ORDER

1. This Second Motion Petition is filed by the Petitioner Companies under Sections 230-232 of the Companies Act, 2013 and others applicable provisions of Companies Act, 2013 read with the Companies (Compromises, Arrangements and Amalgamation) Rules, 2016 and NCLT Rules, 2016 including any statutory modification or re-enactments thereof for the time being in force. The first motion application i.e. CA (CAA)No. 4/Chd/Hry/2026 was already allowed vide order dated 06.06.2026.
2. Heard the Ld. Counsel for the Petitioner Companies.

3. 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.”

4. In view of the above, all the Petitioner Companies are directed to issue notice in Form No.CAA3 to the following authorities as specified in Section 230(5) of the Act read with Rule 8 and Rule 16 for submitting their representation if any,-

- (a) Central Government through the Regional Director (Northern Region Directorate II), Ministry of Corporate Affairs, Third Floor, Corporate Bhawan, Plot No. 4B, Sector - 27B, Chandigarh - 160019, at email: rd.chd@mca.gov.in
- (b) Registrar of Companies, Haryana, Third Floor, Corporate Bhawan, Plot No. 4B, Sector- 27B, Chandigarh - 160019.
- (c) Income Tax Department: Assessing Officer, Circle 1(1), Gurugram, Vanijya Nikunj, Shankar Chowk Road, Phase V, Udyog Vihar, Sector 19, Gurugram, Haryana 122016.
- (d) And to such other Sectoral Regulators governing the business of the Petitioner Companies, if any, pursuant

to Section 230(5) of the Companies Act, 2013 read with Rule 8 of the Companies (Compromises, Arrangements and Amalgamations) Rules, 2016 and such authorities to make their representation within 30 days from the receipt of such notice.

5. Notice of hearing of this Petition is also directed to be published in two prominently circulating national daily newspapers namely **“Business Standard” (English) and “Jansatta” (Hindi)** in terms of Rule 16 of the Companies (Companies Arrangements and Amalgamation) Rules, 2016 not less than 10 days before the date fixed for hearing, calling for objections, if any on or before the next date of hearing.
6. The Petitioner shall also issue notices to the RD, RoC, Income Tax Authorities and Sectoral Regulators, if any, informing the next date of hearing.
7. List the matter for compliance on **17.09.2026**.

Sd/-
(K. BISWAL)
MEMBER (JUDICIAL)

Sd/-
(K. K. SINGH)
MEMBER (TECHNICAL)