

FORM NO. 35

[See rule 69] [HEADING AS IN FORM NO.1]

Company Application No .of 19 .

..... Applicant! s)

Before the Hon 'ble Mr. Justice .

Dated.

Order on summons for directions

Upon the application of the above named company" (or, the applicant(s) above-named) by summons dated the . day of19 .upon hearing Shri, advocate for the company /or (where the company is not the applicant) upon hearing the advocate for the applicant(s) and the advocate for the Company], and upon reading the affidavit offiled the day of... 19 ..and the exhibits therein referred to (Exhibit... being a copy of the proposed compromise or arrangement),

IT IS ORDERED:

That a meeting (or, separate meetings as hereinafter set out) of (here set out the class or classes of creditors and/ or members of whom the meeting or meetings have to be held), of the above company shall be convened and held at... on day, the ..day of... ..19 , at... o'clock in thenoon, for the purpose of considering, and if thought fit, approving, with or without modifications, the compromise or arrangement proposed to be made between the said company and (here set out the class or classes of creditors or members as the case may be) of the said company.

[Note: If separate meetings of different classes of creditors and/ or members are to be held, state the date, time and place of each of such meetings as fixed by the Judge, in separate paragraphs.]

That at least 21 clear days before the day appointed for the meeting (or the first of the meetings), an advertisement convening the same and stating that copies of the said compromise or arrangement and of the statement required to be furnished pursuant to section 393 and forms of proxy can be obtained free of charge at the registered office of the company or at the office of its advocate, be inserted once in the Gazette and once in each of (here set out the newspaper or newspapers).

That, in addition, at least 21 clear days before the meeting (or the first of the meetings) to be held as aforesaid, a notice convening the said meeting at the place and time aforesaid, together with a copy of the said compromise or arrangement, a copy of the statement required to be sent under section 393, and the prescribed Form of proxy, shall be sent by pr-e-paid letter post under certificate of posting addressed to each of (here mention the class or classes of creditors or members whose meeting or meetings are to be held) at their respective registered or last known addresses.

That the advocate for the company above-named do, within 3 days from this date, file in Court the form of the advertisement, the notice and the statement to accompany the notice, and the same shall be settled by the Registrar of this Court.

That Shri., and failing him, Shri... .., shall be the chairman of the meeting to be held on as aforesaid.

That the chairman appointed for the meeting do issue the advertisement and send out the notices of the meeting(s) referred to above.

That the quorum for the said meeting(s) shall be .

That voting by proxy be permitted, provided that a proxy in the prescribed form duly signed by the person entitled to attend and vote at the meeting, is filed with the company at its registered office at.. not later than 48 hours before the meeting.

That the value of each member or creditor shall be in accordance with the books of the company, and, where the entries in the books are disputed, the chairman shall determine the value for purposes of the meeting.

And it is further ordered that the chairman do report to this Court the result of the said meeting withindays of the conclusion of the meeting, and the said report shall be verified by his affidavit.

Dated this day 01 19

(By the Court)

Registrar 'Where the application is by a liquidator of the Company, substitute the words 'liquidator of the above company in liquidation' for the word 'company' wherever necessary.

Note: Where separate meetings are to be held, the provisions should be repeated in respect of each of such meetings.

Note: Where the Court directs the Company or its Liquidator or any other person to issue the advertisement and notices, suitable alteration should be made.