

ORDER SHEET

CP/507/2016

IN THE HIGH COURT AT CALCUTTA
ORIGINAL JURISDICTION
ORIGINAL SIDE

IN THE MATTER OF:
AMRIT FEEDS LIMITED
AND
GANGES JUTE PVT. LTD.

BEFORE:
The Hon'ble JUSTICE DEBANGSU BASAK
Date: 26th February, 2021.

(Via Video Conference)

Appearance:
Mr. S. Rudra, Adv.

The Court: The Court is informed that the Court passed an order of winding up petition in respect of the company.

The Supreme Court in **2020 SCC Online SC 1025 (Action Ispat and Power Pvt. Ltd. Vs. Shyam Metalics and Energy Ltd.)** is of the view that, where the winding up proceeding reaches a stage where it would be irreversible, making it impossible to set the clock back and that the company Court must proceed with the winding up, in stead of transferring the proceedings to the National Company Law Tribunal such winding up petition need not be transferred. All others are to be transferred. It goes on to say that whether such stage is reached would depend upon the facts and circumstances of each case.

In the present case, the order of winding up was passed by this Hon'ble Court.

The winding up petition is yet to reach a stage where it would be irrerversible, making it impossible to set the clock back. Therefore, in my view, this winding up petition should be transferred to the National Company Law Tribunal, Kolkata.

In such circumstances, CP/507/2016 is transferred to the National Company Law Tribunal, Kolkata.

The Department will treat CP/507/2016 as disposed of so far as the records of this Hon'ble Court are concerned.

(DEBANGSU BASAK, J.)