

IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CP/2/1965
IA NO: CA/1/1971(Old No:CA/229/1971),
CA/7/2008(Old No:CA/504/2008),
CA/11/2010(Old No:CA/51/2010),
CA/12/2010(Old No:CA/52/2010),
CA/17/2011(Old No:CA/689/2011),
CA/18/2011(Old No:CA/330/2011)

IN THE MATTER OF :
D. C. DHIMAN BROS. PVT. LTD. (IN LIQN.)
VS
O/L, DHARAMCHAND DHIRAN

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 26th September, 2022.

Appearance:

Mr. Ranojit Chowdhury, Adv.

The Court : This is a company application pending since 1965. The Status Report filed on behalf of the Official Liquidator be kept with the records. It appears from the Status Report that all the assets of the company (in liquidation) have not been sold till date.

It is submitted on behalf of the Official Liquidator that they have been unable to conclude the liquidation proceedings on some ground or the other.

In view of the decisions in *Action Ispat and Power Private Limited-versus-Shyam Metalics and Energy Limited* reported in (2021) 2 SCC 641 and in *A. Navinchandra Steels Private Limited –versus- Srei Equipment Finance Limited and*

Others reported in AIR 2021 SC 1180, in my view this Court does not have any jurisdiction to entertain this matter.

I have considered the Status Report filed on behalf of the Official Liquidator. It is a matter of some concern as to why a company petition has been kept pending before this Court for more than 50 years. The Official Liquidator blames his predecessors. Obviously, the Office of the Official Liquidator has been casual, indolent and cavalier in its approach in respect of the liquidation proceedings.

In view of the aforesaid, CP/2/1965 stands transferred to the National Company Law Tribunal, Kolkata. The Department shall treat CP/2/1965 as disposed of insofar as the records of this Court are concerned.

It needless to mention that all connected applications also stand transferred to the National Company Law Tribunal, Kolkata.

(RAVI KRISHAN KAPUR, J.)

D. Ghosh