

IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CP/10/2013

IN THE MATTER OF :
M/S. SOURABH GILTS AND SECURITIES LTD
-ANDVS
IN THE MATTER OF : M/S. RATIKA FINLEASE PVT LTD

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 1st December, 2022.

Appearance:

Mr. Amitabho Ghosh, Adv.

Mr. A. Dutta, Adv.

Ms. Smita Das De, Adv.

The Court:- The Status Report filed on behalf of the Official Liquidator reflects that all the assets of the company (in liquidation) have been sold by the secured creditors prior to the liquidation.

Mr. Ghosh, Advocate appearing on behalf of one of the unsecured creditor submits that he has filed a suit for recovery of his dues to the company (in liquidation).

I have perused the Status Report filed by the Official Liquidator and I am satisfied that in view of the amended provisions of the Companies Act, 2013 and 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, this Court does not have any jurisdiction to entertain this matter. There is no irreversible situation which has arisen warranting this Court retaining this liquidation proceeding.

In view of the aforesaid, CP/10/2013 including CS/162/2007 stand transferred to the National Company Law Tribunal, Kolkata.

The Department shall treat CP/10/2013 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.)