

OD-12

IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CP/286/1971
IA NO: CA/3/2009(Old No:CA/13/2009),
CA/4/2009(Old No:CA/16/2009)

IN THE MATTER OF
HOWRAH AMTA LIGHT RAILWAY CO.(IN LIQN.)
VS
O/L

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 6th September, 2022.

Appearance:
Mr. Ranajit Chowdhury, Adv.

The Court:- Pursuant to an earlier order of Court, the Official Liquidator has filed a Status Report in respect of the company (in-liquidation).

It appears from the report dated 3rd September, 2022 that the assets of the company (in liquidation) have not been sold.

It is submitted on behalf of the Official Liquidator that the land is in illegal occupation.

This matter has been pending since 1971.

By an order dated 17th July, 1973 the company was directed to be wound up. It is submitted that the claims of the most of the employees have also been settled.

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, I find that this Court does not have any jurisdiction to entertain this matter. There is no irreversible situation which has arisen, which warrants or justifies this Court in retaining this matter.

In view of the aforesaid, CP/286/1971 stands transferred to the National Company Law Tribunal, Kolkata. The Department shall treat CP/286/1971 as disposed of in so far 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.

The Status Report filed by the Official Liquidator be kept with the records.

(RAVI KRISHAN KAPUR, J.)