

OD-14

IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CP/45/2013
IA NO: CA/6/2017(Old No:CA/11/2017),
CA/10/2019(Old No:CA/26/2019),
CA/13/2021, CA/14/2021,
CA/16/2022, CA/17/2022

IN THE MATTER OF :
UNIT CONSTRUCTION COMPANY PVT. LTD.
VS
M/S. JYOTI UDYOG

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 20th September, 2022.

Appearance:
Mr. K. K. Maiti, Adv.

The Court:- By an order dated 25th June, 2014 the company namely Unit Construction Company Private Limited was directed to be wound up.

The Official Liquidator is represented and submits that no effective steps have been taken in the liquidation proceedings.

It is further submitted by the Official Liquidator that none of the assets of the company (in liquidation) have been sold.

A creditor of the company is also represented and submits that his claim has not been considered by the Official Liquidator.

In view of the amended provisions of the Companies Act, 2013, the decisions reported 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. There is no irreversible situation which has arisen warranting this Court retaining these liquidation proceedings.

In view of the aforesaid, CP/45/2013 stands transferred to the National Company Law Tribunal, Kolkata. The Department shall treat CP/45/2013 as disposed of insofar as the records of this Court are concerned.

It needless to mention that all connected applications made in CP/45/2013 also stand transferred to the National Company Law Tribunal, Kolkata.

(RAVI KRISHAN KAPUR, J.)