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IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CP/55/2004
IA NO: ACO/1/2004(Old No:ACO/109/2004),
CA/3/2008(Old No:CA/247/2008)

JAYA COMPUTERS & SOFTWARE LTD.
VS
ASHOKE VARDHAN GOENKA

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 13th September, 2022.

Appearance;
Ms. Debjani Mitra Neogy, Adv.

The Court:- It appears from the Status Report that there are no steps whatsoever which have been taken by the Official Liquidator in respect of the company (in-liquidation).

Accordingly, 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. There is no irreversible situation which has arisen warranting this Court retaining these liquidation proceedings.

In view of the aforesaid, CP/55/2004 stands transferred to the National Company Law Tribunal, Kolkata. The Department shall treat CP/55/2004 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.)

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