

OD-41

IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CP/98/2003
IA NO: CA/1/2021

GEM REFINERIES (1997) PVT. LTD.
VS
M/S. GARDNER SMITH (SOUTH EAST ASIA)

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 12th September, 2022.

Appearance:
Mr. Shuvasish Sengupta, Adv.
Mr. Soumyajit Mishra, Adv.

Mr. Deepak Kumar Singh, Adv.

The Court:- This is an application for winding up. It is fairly submitted by both the parties that the matter is at a pre-admission stage.

In view of the above factual position and 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.

In view of the aforesaid, CP/98/2003 stands transferred to the National Company Law Tribunal, Kolkata. The Department shall treat CP/98/2003 as disposed of insofar as the records of this Court are concerned.

It is needless to mention that any connected application also stands transferred to the National Company Law Tribunal, Kolkata.

(RAVI KRISHAN KAPUR, J.)

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