

OD-54

IN THE HIGH COURT AT CALCUTTA  
Original Jurisdiction  
ORIGINAL SIDE

CP/90/2010

IN THE MATTER OF  
BIJOYNAGAR TEA CO. LTD.  
– AND –  
IN THE MATTER OF  
TEA CHAMPAGNE PVT. LTD.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 12<sup>th</sup> September, 2022.

*Appearance:*  
*Mr. A. P. Agarwalla, Adv.*  
*Mr. Rahul Poddar, Adv.*

The Court:- This is an application for winding up. The matter has a pre-admission stage. It is submitted on behalf of the petitioning creditor that affidavits have been completed and the matter is ready for hearing.

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/90/2010 stands transferred to the National Company Law Tribunal, Kolkata. The Department shall treat CP/90/2010 as disposed of insofar as the records of this Court are concerned.

It is needless to mention that all connected applications also stand transferred to the National Company Law Tribunal, Kolkata.

The Department is directed to act expeditiously in this matter.

(RAVI KRISHAN KAPUR, J.)

S.Bag