

IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

IA NO. CA/6/2022
In CP/336/2013

RE: VIVEKANANDA
FORGING (INDIA) LTD –AND-
Vs
KANODIA METALS PVT.LTD

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 1st September, 2022.

Appearance:
Mr. Anirban Pramanick, Adv.
Ms. Subhasree Dey, Adv.
...for the applicant

The Court:- This is an application for transfer of proceedings to the National Company Law Tribunal in view of the amended provisions of the Companies Act, 2013. The Official Liquidator is represented and submits that none of the assets of the company in liquidation has been sold.

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 that this Court does not have any jurisdiction to entertain this matter.

In view of the aforesaid, CP/336/2013 stands transferred to the National Company Law Tribunal, Kolkata. The Department shall treat CP/336/2013 as disposed of in so far as the records of this Court are concerned.

Needless to mention that all connected applications in CP 336 of 2013 also stand transferred to the National Company Law Tribunal, Kolkata.

(RAVI KRISHAN KAPUR, J.)

TO