

OD-38

IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CP/252/2002
IA NO: CA/3/2006(Old No:CA/273/2006),
CA/4/2007(Old No:CA/735/2007),
CA/5/2009(Old No:CA/523/2009)

IN THE MATTER OF :
MIG WELDCONS PVT. LTD.(IN LIQN.)
VS
RE: SALE OF ASSETS

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 12th September, 2022.

The Court:- It is submitted on behalf of the Official Liquidator that the assets of the company (in liquidation) had not yet been sold. In fact, there are diverse applications still pending for consideration of the sale of the assets of the company (in-liquidation).

None appears on behalf of the secured creditors nor is any accommodation prayed for on their behalf.

In view of the submissions made on behalf of the Official Liquidator 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/252/2002 stands transferred to the National Company Law Tribunal, Kolkata. The Department shall treat CP/252/2002 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.)