

OD-31

IA NO. CA/2/2022
In CP/613/2016
IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

RE : IMPEX FERRO TECH LIMITED –AND-
Vs
AUROMA COKE LIMITED

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 20th April, 2022.

Appearance:

Mr. Nirmalya Dasgupta, Adv.

Miss. Pritha Basu, Adv.

Mrs. A. Sahay, Adv.

Mr. Ratnesh Kumar Rai, Adv.

Mr. Ankon Rai, Adv.

Mr. Debraj Saha, Adv.

The Court:- This is an application for transfer of the present winding-up petition being CP/613/2016 to the National Company Law Tribunal, Kolkata.

In view of the aforesaid 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, I am of the view that this Court does not have any jurisdiction to entertain this matter.

Significantly, the company had repeatedly appeared during the course of this proceeding and sought for time on the ground that the parties were trying

to settle their disputes. However, this submission has been vehemently opposed by the petitioning creditor.

In view of the aforesaid, CP/613/2016 stands transferred to the National Company Law Tribunal, Kolkata.

The department will treat CP/613/2016 as disposed of in so far as the records of this Court are concerned.

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

(RAVI KRISHAN KAPUR, J.)