

IN THE HIGH COURT AT CALCUTTA

Original Jurisdiction

ORIGINAL SIDE

CP/328/2003

IA NO: ACO/1/2004(Old No:ACO/105/2004), ACO/2/2004(Old
No:ACO/135/2004), CA/3/2006(Old No:CA/258/2006)

IN THE MATTER OF :
CITY DAIRY PRODUCTS (P) LTD. (IN LIQN.)
VS
O/L

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 5th December, 2022.

The Court:- The winding up petition has been pending since 2003. It appears from a Status Report filed on behalf of the Official Liquidator that the liquidation proceedings have still not concluded.

In view of the amended provisions of the Companies Act, 2013 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. There is no irreversible situation which has arisen warranting this Court retaining this liquidation proceeding.

In view of the aforesaid, CP/328/2003 stands transferred to the National Company Law Tribunal, Kolkata. The Department shall treat CP/328/2003 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.)

TO