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IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CP/627/2014

RE : POWER MAX (INDIA) PVT LTD
AND
RE : DEEPAK INDUSTRIES LTD

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 20th September, 2022.

Appearance:
Mr. A. P. Agarwalla, Adv.

The Court:- It is submitted on behalf of the petitioning creditor that this winding up is at a pre-admission stage.

In view of the amended provisions of the Companies Act, 2013 the decisions reported 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 these liquidation proceedings.

In view of the aforesaid, CP/627/2014 stands transferred to the National Company Law Tribunal, Kolkata. The Department shall treat CP/627/2014 as disposed of insofar as the records of this Court are concerned.

It needless to mention that all connected applications made in CP/627/2014 also stand transferred to the National Company Law Tribunal, Kolkata.

(RAVI KRISHAN KAPUR, J.)

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