

IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

IA NO. CA/1/2022
In CP/813/2016

RE : HINDUSTAN STEEL WORKS CONSTRUCTION LTD.
-ANDVs-
PROVAT MUKHERJEE

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 14th November, 2022.

Appearance:

Mr. Pratip Mukherjee, Adv.
Mr. Omar Raruk Gazi, Adv.

Mr. Somnath Gangopadhyay, Adv.

The Court:- An Affidavit in Opposition filed on behalf of the company be kept with the records.

This is an application for transfer of the winding up proceeding to the National Company Law Tribunal.

It is submitted on behalf of the petitioning creditor that the proceeding is pending and has not yet been admitted. Moreover, the parties are yet to complete their pleadings.

In view of the amended provisions of the Companies Act, 2013 and 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/813/2016 stands transferred to the National Company Law Tribunal, Kolkata. The Department shall treat CA/1/2022 in CP/813/2016 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.)