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IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CP/633/2013
IA NO: CA/1/2014(Old No:CA/467/2014),
CA/3/2017(Old No:CA/390/2017)

IN THE MATTER OF :
ESDE ENGINEERS PVT LTD
-AND-
IN THE MATTER OF :
MAHADEV INVESTMENT PVT LTD

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 13th December, 2022.

Appearance:
Ms. Smita Das De, Adv.
...for the Official Liquidator

The Court:- A Status Report filed by the Official Liquidator is kept with the records.

It appears from the Status Report that none of the assets of the company have been sold or taken possession of by the Official Liquidator. The winding up order has passed as far back as on 16th April, 2014.

In view of the amended provision 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, this Court does not have any jurisdiction to retain this

proceeding. There is no irreversible situation which has arisen warranting this Court retaining these proceedings.

In view of the aforesaid, CP/633/2013 stands transferred to the National Company Law Tribunal, Kolkata. The Department shall treat CP/633/2013 as disposed of insofar as the records of this Court are concerned.

It is needless to mention that all connected applications made in CP/633/2013 also stand transferred to the National Company Law Tribunal, Kolkata.

(RAVI KRISHAN KAPUR, J.)

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