

IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CP/759/2014

RE : RAWAT ISFS LTD
-ANDVS
RE: COMMERCIAL ENTERPRISES

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 16th November, 2022.

Appearance:

Mr. K. C. Gorg, Adv.

The Court:- This is an application for transfer of this winding up proceeding to the National Company Law Tribunal.

The Official Liquidator is represented and submits that no formal order for winding up has been passed till date. It is also submitted on behalf of the petitioning creditor that the proceeding is at a pre-admission stage.

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* 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 to exercise jurisdiction.

Accordingly, CP/759/2014 stands transferred to the National Company Law Tribunal, Kolkata. The Department shall treat CP/759/2014 as disposed of insofar as the records of this Court are concerned.

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

(RAVI KRISHAN KAPUR, J.)