

OD-116

IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CP/756/2013
IA NO: CA/1/2014(Old No:CA/60/2014),
CA/5/2015(Old No:CA/18/2015)

IN THE MATTER OF :
OCTAVIUS TEA AND INDUSTRIES LTD
-AND-
IN THE MATTER OF :
RAGHAV GOENKA

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 12th September, 2022.

Appearance:
Ms. S. Shah, Adv.

The Court:- This is an application for winding up. The matter is at a pre-admission stage. It is submitted on behalf of the petitioning creditor that affidavits have been completed and the matter is ready for hearing.

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.

In view of the aforesaid, CP/756/2013 stands transferred to the National Company Law Tribunal, Kolkata. The Department shall treat CP/756/2013 as disposed of insofar as the records of this Court are concerned.

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

(RAVI KRISHAN KAPUR, J.)

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