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IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CP/774/2013

IN THE MATTER OF : HIMANGINI INFRACON INDIA LTD
-AND-
IN THE MATTER OF : BORNALI CHOWDHURY

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 16th December, 2022.

Appearance:
Mrs. Debjani Mitra Neogy, Adv.
...for the O/L

The Court:- It is submitted on behalf of the Official Liquidator that no final order of winding up has yet been passed in this proceeding. It is submitted on behalf of the Official Liquidator that the winding up petition is at a pre-admission stage and the winding up petition has not been admitted till date.

In view of the amended provisions of the Companies Act, 2013 and 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, I find that this Court does not have any jurisdiction to retain this proceeding.

In view of the aforesaid, CP/774/2013 stands transferred to the National Company Law Tribunal, Kolkata. The Department shall treat CP/774/2013 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.)

TO