

**101+ 13 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CP-220-2016 (O&M)

Date of decision: 07.04.2022

M/S DP JAGAN AND SONS

....Petitioner

Versus

M/S ZANDER ENGINEERS

..Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Baljeet Kaur, Advocate for the petitioner

ANIL KSHETARPAL, J (Oral)

CA-85-2022 has been filed under Rule 9 of Companies
(Court) Rules 1956, with a prayer to transfer the present petition to the
National Company Law Tribunal, Chandigarh Bench, Chandigarh.

Learned counsel draws the attention of the Court to proviso
to clause (c) of sub-section 1 of Section 434 of the Companies Act,
2013, which reads as under:-

“Provided further that any party or
parties to any proceedings relating to the winding up
of companies pending before any Court immediately
before the commencement of the Insolvency and
Bankruptcy Code (Amendment) Ordinance, 2018,
may file an application for transfer of such
proceedings and the Court may by order transfer such
proceedings to the Tribunal and the proceedings so
transferred shall be dealt with by the Tribunal as an
application for initiation of corporate insolvency
resolution process under the Insolvency and
Bankruptcy Code, 2016”

Learned counsel representing the petitioner also places
reliance on the judgment of the Supreme Court in '**Jaipur Metals and
Electricals Employees Organization through General Secretary Tej**

Ram Meena vs. Jaipur Metals and Electricals Limited through its Managing Director and others' (2019) 4 SCC 227.

The petition is pending at the stage of notice.

Keeping in view the aforesaid facts, the application is allowed. Consequently, the Company Petition is transferred to the National Company Law Tribunal, Chandigarh Bench, Chandigarh. Let the office remit the file to the National Company Law Tribunal, Chandigarh Bench, Chandigarh. The petitioner is directed to appear before the National Company Law Tribunal, Chandigarh Bench, Chandigarh, on 09.05.2022.

07.04.2022

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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No

(ANIL KSHETARPAL)
JUDGE