

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**CP-136-2003(O&M)
Date of decision: 26.05.2022**

Sita World Travels (India) Ltd.

...Petitioner

Versus

M/s Jagdamba Foods Limtied

...Respondent

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Nitika Sharma, Advocate, for the petitioner.

ANIL KSHETARPAL, J (Oral)

On 13.05.2019, the petition filed under Section 433 (e), 434 and 439 of the Companies Act, 1956 was ordered to be admitted while directing the petitioner to publish the factum of the admission of the petition in Indian Express (English) and Jansatta (Hindi) as well as in the official gazette in the State of Haryana.

The petitioner has not complied with the aforesaid direction given in the order. Hence, the order of admission is recalled.

Let the matter be transferred to the National Company Law Tribunal, Chandigarh Bench, Chandigarh, in view of the judgment passed in **Civil Appeal No.4041-2020, titled as “Action Ispat and Power Pvt. Ltd. Vs. Shyam Metalics and Energy Ltd.”, decided on 15.12.2020, reported in AIR 2021 SC 309.** The Supreme Court while interpreting the provisions of Section 434 of the Companies Act, 2013 read with The Companies (Transfer of Pending Proceedings) Rules, 2016, has held that except when the Company Court has taken steps which are irretrievable, the petition filed under Section 433, 434 and 439 of the Companies Act, 1956, is required to be referred to the National Company Law Tribunal, Chandigarh Bench. The matter is now at a pre-admission stage.

This Court has not taken any irreversible step in the matter.

Let the specialized Tribunal deal with the matter.

All the miscellaneous applications, if any, shall be considered by the Tribunal. It is further observed that the matter is pending in this Court for the last 19 years, therefore, the Tribunal is requested to take up the matter, positively, on 04.08.2022, and pass appropriate orders.

The parties through their counsels are directed to appear before the National Company Law Tribunal, Chandigarh Bench, on the above-said date.

The office is directed to remit the case file to the Tribunal forthwith.

Statutory demand notice before filing of the petition before the National Company Law Tribunal under Section 8 of the Insolvency and Bankruptcy Code, 2016, shall stand dispensed with, in view of the facts that the notice of the company petition is already sent and served on the respondent.

All the pending miscellaneous applications, if any, are also disposed of.

May 26, 2022
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(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No