

IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CP/2/2016
IN THE MATTER OF: EVEREST PLY & VENEERS PVT. LTD.
ANDVS
MANI TIRUMALA PROJECTS PVT. LTD.

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 19th January, 2023.

Appearance:

Mr. Ratnanko Banerjee, Sr. Adv.
Mr. S. Sarkar, Adv.
Mr. A. Sarkar, Adv.

Mr. Nirmalya Dasgupta, Adv.
Mr. D. Chakraborty, Adv.

The Court:- Both the petitioning creditor and the company are represented. Both parties submit that the winding up petition is at the “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* reported in 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 retaining this proceeding.

In view of the aforesaid, CP/2/2016 stands transferred to the National Company Law Tribunal, Kolkata.

The Department shall treat CP/2/2016 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.)