

IN THE HIGH COURT AT CALCUTTA
ORIGINAL JURISDICTION
ORIGINAL SIDE

CP/20/2016

IA NO: CA/3/2018 (Old No: CA/6/2018), CA/6/2020, CA/7/2022, CA/8/2023

IN THE MATTER OF: VINAYAK IRON AND COKE PVT. LTD.
-AND-
SAVITRI PROPERTIES PVT. LTD.

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 1st February, 2023.

Appearance:
Ms. Smita Das De, Adv.
...for the O/L

Mr. S. Dasgupta, Adv.
Mr. Vikas Baisya, Adv.
...for the applicant

Mr. Barnik Ghosh, Adv.
Mr. Shaunak Banerjee, Adv.
...for the Bank

The Court:- It is submitted on behalf of the Official Liquidator that none of the assets of the company (in liquidation) have been sold. It is further submitted on behalf of the Official Liquidator that the properties of the company (in liquidation) are free from all encumbrances and the possession of the same is lying with the Official Liquidator.

A Report filed by the Official Liquidator is kept with the records.

The secured creditor is represented.

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 in this Court retaining this proceeding.

In view of the aforesaid, the matter stands transferred to the National Company Law Tribunal, Kolkata.

The Department shall treat this matter as disposed of insofar as the records of this Court are concerned.

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

(RAVI KRISHAN KAPUR, J.)

TO