

OD-16

IN THE HIGH COURT AT CALCUTTA
ORIGINAL JURISDICTION
ORIGINAL SIDE

IA NO. CA/2/2023
In CP/17/2014

IN THE MATTER OF : AJANTA LEATHER FASHIONS PVT LTD -
ANDVs
M/S. G . R . SUPPLIERS

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 17th May, 2023

Appearance:
Mr. Pratik Gorai, Adv.
Ms. Mou Saha, Adv.
...for applicant.

The Court:- This is an application for recalling of an order dated 16 December, 2022. It is submitted on behalf of the applicant that there is a delay in filing of this application and the applicant was unable to be represented on the date when the matter was dismissed for default.

It is also submitted on behalf of the applicant that connected proceedings pertaining to the company (in liquidation) have already been transferred to the National Company Law Tribunal. In view of the submissions made by the applicant and the averments the order dated 16 December, 2022 stands recalled.

CP/17/2014 is restored to its original file.

Admittedly, connected proceeding pending before the National Company Law Tribunal, CP/17/2014 have been transferred to the National Company Law Tribunal.

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 (2021) 2 SCC 641 and in *A. Navinchandra Steels Private Limited – versus- Srei Equipment Finance Limited and Others* 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.

Accordingly, CP/17/2014 transferred to National Company Law Tribunal, Kolkata Bench.

The Department shall treat CP/17/2014 as disposed of insofar as the records of this Court are concerned.

(RAVI KRISHAN KAPUR, J.)

SK.