

IN THE HIGH COURT AT CALCUTTA
Original Jurisdiction
ORIGINAL SIDE

CP/44/2014
IA NO: CA/2/2017(Old No:CA/518/2017)

IN THE MATTER OF : I - NOVA
AVIATION SERVICES PVT LTD -
ANDVS
IN THE MATTER OF : CAPITAL FIRST LTD

BEFORE:
The Hon'ble JUSTICE RAVI KRISHAN KAPUR
Date : 3rd January, 2023.

The Court:- The matter had been repeatedly adjourned when the parties have remained unrepresented. It appears that by an order dated 3rd August, 2015 the company was directed to be wound up and the Official Liquidator was directed to take possession of all books, records, documents and assets of the company (in liquidation). There is nothing to demonstrate that any steps have been taken place in the liquidation proceedings since the winding up order dated 3rd August, 2015.

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* 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, this Court does not have any jurisdiction to entertain this

matter. There is no irreversible situation which has arisen warranting this Court retaining this liquidation proceeding.

Accordingly, CP/44/2014 stands transferred to the National Company Law Tribunal, Kolkata. The Department shall treat CP/44/2014 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.)

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