

IN THE HIGH COURT AT CALCUTTA
ORIGINAL JURISDICTION
ORIGINAL SIDE

CP/48/2016

AJAY TUBES PVT LTD & SHRI
BIHARIJI COLD ROLLERS (P) LTD
VS

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 1st February, 2023.

The Court:- This proceeding is pending since 2016. I find from the earlier order of Court that this proceeding is at a “pre-admission stage”.

The company 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