

OD-27

CP/111/2015
IN THE HIGH COURT AT CALCUTTA
ORIGINAL JURISDICTION
ORIGINAL SIDE

RE : PARTH ISPAT (INDIA) PVT LTD –AND
VS
SURYA ALLOY INDUSTRIES LTD

BEFORE:

The Hon'ble JUSTICE RAVI KRISHAN KAPUR

Date : 6th January, 2023.

Appearance:
Mr. T. Chakraborty, Adv.
Mr. Siddherth Shroff, Adv.
...for petitioner.

The Court:- It is submitted on behalf of the petitioning creditor that the winding up petition is at the “pre-admission stage”.

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, 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/111/2015 stands transferred to the National Company Law Tribunal, Kolkata.

The Department shall treat CP/111/2015 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.)